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ABSTRACT

The Center for Individual Rights (CIR) represented three white applicants who brought the two lawsuits, "Gratz, et al., v Bollinger, et al., No. 97-75231 (E.D.Mich.)" and "Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)," against the University of Michigan. These lawsuits challenge as unlawful the University of Michigan's policy of considering race as one of many factors in the process for admissions to the College of Literature, Science and the Arts, and the Law School. The University of Michigan brought together a team of leading scholars to serve as its experts in these cases to establish the basis for the University's argument that there is a compelling need for diversity in higher education. Thomas Sugrue of the University of Pennsylvania describes the important role that race continues to play in modern American society. Eric Foner of Columbia University (New York) describes the history of race relations through the lens of the African-American experience and Albert Camarillo of Stanford University (California) explains that Hispanic Americans have been largely marginalized and separated from mainstream American society. Patricia Gurin of the University of Michigan presents evidence showing that students educated in diverse classrooms learn to think in more complex ways. William Bowen, president of the Mellon Foundation (Pennsylvania), and Derek Bok, former president of Harvard University (Massachusetts), cite their recent book, "The Shape of the River," in which they find that minorities admitted to the nation's most selective schools have made significant achievements, both in school and afterwards and have contributed in important ways to the education of those around them. Claude Steele at Stanford University notes the limited usefulness of standardized tests in the admissions process, citing research that finds that prevailing stereotypes about minorities' academic capabilities artificially depress minority students' test scores. Specifically addressing the law school admissions process, Kent Syverud of Vanderbilt University Law School (Tennessee) shows how a diverse law school class provides a more vibrant and lively opportunity for learning than could

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otherwise be achieved; Robert Webster, a former judge and former president of the Michigan State Bar Association, describes the importance of diversity to the practice of law. (JM)

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THE COMPELLING NEED FOR DIVERSITY IN HIGHER EDUCATION

Gratz, et al. v. Bollinger, et al.
No. 97-75231 (E.D. Mich.)

Grutter, et al. v. Bollinger, et al.
No. 97-75928 (E.D. Mich.)

TABLE OF CONTENTS

Foreword

Introduction

Thomas Sugrue

Eric Foner

Albert Camarillo

Patricia Gurin

William Bowen

Claude Steele

Derek Bok

Kent Syverud

Robert B. Webster

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FOREWORD

In the controversial 1996 case of *Hopwood v. State of Texas*, the Fifth Circuit defied the Supreme Court's opinion in *Bakke v. Regents of the University of California*, by ruling that institutions of higher education do not have a 'compelling interest' in enrolling a racially diverse student body. Since then, critics of race-conscious admissions policies have sought out similar judicial challenges in courts across the country. In particular, the Center for Individual Rights ("CIR"), which represented the *Hopwood* plaintiffs, has led the charge to prohibit colleges and universities from seeking to enroll racially diverse student bodies. CIR represents three white applicants who have brought two lawsuits against the University of Michigan challenging as unlawful its policy of considering race as one of many factors in the process for admissions to the College of Literature, Science and the Arts, and the Law School.

The University of Michigan has brought together a team of leading scholars to serve as its experts in these cases to establish the basis for the University's argument that there is a compelling need for diversity in higher education. Their research is evidence that the use of race in higher education admissions is not only constitutional, but of vital importance to education and to our society.

January 1999

Table of Contents

INTRODUCTION

The last Supreme Court decision addressing the use of race in admissions to institutions of higher education, *Bakke v. Regents of the University of California*, affirmed that the role of diversity in colleges and universities is both essential and compelling. Since *Bakke*, opponents and proponents have wrestled with ideology and theory, but have never had the benefit of a comprehensive theoretical framework that has been tested by reliable empirical data. The University of Michigan has drawn on several of the nation's leading, and most respected, researchers and scholars, to develop such a framework and verify its legitimacy with empirical proof. The evidence submitted by these leaders in the fields of history, sociology, education, economics, psychology, and law, confirms *Bakke*'s holding and establishes the continuing imperative for diversity -- including racial and ethnic diversity -- in higher education.

According to the national data collected by these experts, our society is as racially separate today as it was before *Brown v. Board of Education*, before the Civil Rights movement, before the Voting Rights Act, and before the *Bakke* decision. For example, a study of residential segregation shows that the rates of residential segregation in the Detroit area, home to about half of Michigan's residents and the second most segregated metropolitan area in the country, were higher in 1990 than they were in 1960. The statistics all reveal that Americans of different races live separately from one another. They reside in different communities, attend separate elementary and secondary schools, and rarely have sustained, meaningful contact with one another.

The Supreme Court has recognized the critical role that education can play in bridging the racial divide. As early as *Brown v. Board of Education*, the Court noted that public education was "perhaps the most important function of state and local governments," and acknowledged "the importance of education to our democratic society." Justice Powell made a similar point in *Bakke*, emphasizing that "the nation's future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples." Because race is a defining characteristic of American life, it shapes our values, beliefs and perspectives. It therefore is no surprise that education that takes place in a racially diverse setting is qualitatively different -- as it turns out, better -- from education that is undertaken in the absence of that diversity. In fact, the University's empirical analyses measuring the educational benefits of diversity establish that "patterns of racial segregation and separation historically rooted in our national life can be broken by diversity experiences in higher education." The data prove that diversity experiences during college have significant effects on the extent to which graduates are living racially and ethnically integrated lives.

Furthermore, the data prove what educators have given testimony to anecdotally: students learn better when the learning occurs in a setting where they are confronted with others who are unlike themselves. As Justice Powell recognized in *Bakke*, an institution of higher education has the academic freedom to make its own judgments about what composition of its student body is necessary to the fulfillment of its mission. Most have made the judgment that a racially and ethnically diverse student body is essential to providing a quality education. The University of Michigan's expert analysis verifies the correctness of that judgment. The results of this study establish the educational benefits of diversity: students who experienced the most racial and ethnic diversity in classroom settings and in informal interactions with peers showed the greatest engagement in active thinking processes, growth in intellectual engagement and motivation, and growth in intellectual and academic skills.

The combined evidence of these nationally recognized experts provides proof that the heart of the *Bakke* decision remains a constitutional and democratic imperative for our society. Historian and sociologist **Thomas Sugrue** of the University of Pennsylvania describes the important role that race continues to play in modern American society.

Sugrue, whose recent work on the post-war racial history of the city of Detroit was the 1998 winner of the Bancroft Prize, examines the scope, causes, and consequences of persistent racial separation in the United States, with special attention to Michigan and metropolitan Detroit. Historians **Eric Foner** of Columbia University and **Albert Camarillo** of Stanford University, provide additional historical context. Foner, the President-Elect of the American Historical Association, who is described by the *Washington Post* as "one of the most prolific, creative and influential historians of the past 20 years," describes the history of race relations through the lens of the African-American experience. Camarillo, a leading voice on the history of Hispanic groups in the United States, describes the history of Mexican-Americans, Puerto Rican-Americans, and other Hispanic groups, explaining how these groups have been largely marginalized and separated from mainstream American society.

Patricia Gurin, Professor of Psychology of the University of Michigan, and Interim Dean of the College of Literature, Science, and the Arts, conducted in-depth empirical analyses to measure the educational benefits of diversity. Her studies show that students educated in diverse classrooms learn to think in deeper and more complex ways, and are better prepared to become active participants in a pluralistic, democratic society. Two leading American educators, **William Bowen** (who is president of the Mellon Foundation, and the former President of Princeton University on whom Justice Powell relied in *Bakke*) and **Derek Bok** (who is a professor at the John F. Kennedy School of Government, and former President of Harvard University and former Dean of the Harvard Law School) also report the findings first set out in their recent book, *The Shape of the River*. Bowen and Bok find that minorities admitted to the nation's most selective schools have made significant achievements, both in school and afterwards, and have contributed in important ways to the education of those around them. **Claude Steele**, Chair of the Department of Psychology at Stanford University, describes the limited usefulness of standardized tests in the admissions process, and explains his research that prevailing stereotypes about minorities' academic capabilities artificially depress minority students' test scores.

In addition, in the context of the challenge to the consideration of race in the law school admissions process, these expert reports show that the need for diversity in legal education is also pronounced. **Kent Syverud**, Dean of Vanderbilt Law School, shows how a diverse law school class provides a more vibrant and lively opportunity for learning than could otherwise be achieved, and **Robert Webster**, a former judge in Oakland County and former president of the Michigan State Bar, describes the importance of diversity to the practice of law. Bok emphasizes that the American legal profession demands that its law schools continue to increase the diversity of the legal profession.

RACE IN AMERICAN LIFE

Although the United States has become an increasingly diverse society, Americans of different racial and ethnic groups lead remarkably separate lives. They live in separate neighborhoods and attend separate schools. They are unlikely to have any sustained or serious contact with each other and rarely share either the significant events in their lives, such as weddings and funerals, or the more casual aspects of their daily routines, like shopping trips or parent-teacher nights. Race affects one's experiences -- and therefore one's perspectives and beliefs. Yet members of different racial groups seldom benefit from exposure to the ideas and perspectives of people from backgrounds other than their own. Indeed, lack of contact with one another fosters misconceptions and mistrust on all sides and affords little or no opportunity either to disrupt the perpetuation of racial stereotypes or to experience the richness of different racial and ethnic communities. The costs of this persistent racial separation therefore are significant for all Americans -- minorities and non-minorities alike. The report of Professor Sugrue details the causes, the extent, and the costs of racial separation in our society.

Despite the end of official school segregation, Americans of different racial and ethnic groups still attend separate elementary and secondary schools. Nearly all of the nation's largest cities have predominantly minority school districts, and most of them are surrounded by overwhelmingly white suburban school districts. Michigan ranks in the top four states in the country in the degree of black/white school segregation; far more students attend racially integrated schools in the southern states than in Michigan. The schools in the metropolitan Detroit area provide a striking example of this separation. In 60 of the 83 districts in the three-county Detroit metropolitan area, the black student population is three percent or less; 82 percent of the African-American students attend schools in only three districts. More than 90 percent of the area's white students attend schools in districts with black student populations under 10 percent. Only two of these districts come at all close to the area's proportion of African-American, Hispanic, and white students. Sugrue graphically demonstrates this pattern: [See Figure 1.]

The consequences of this racial separation in education are enormous. Nearly every American child between the ages of six and sixteen attends school, but the vast majority of them have no significant opportunity for contact with students of different racial and ethnic groups.

In addition to attending separate schools, Americans of different racial and ethnic groups also live in separate communities. Despite landmark court rulings and reported shifts in white attitudes, residential segregation remains a driving force behind racial separation and division, and it remains deeply entrenched throughout the country. This is particularly true in major metropolitan areas of the northeast and midwest. Three of the ten most segregated metropolitan areas in the United States are in Michigan -- Detroit, the Saginaw/Bay City/Midland area, and Flint. Metropolitan Detroit, home to about half of Michigan's residents, offers a stark example of the persistence of black-white residential segregation. Detroit is the second most segregated metropolitan area in the country (following only Gary, Indiana), and rates of residential segregation in Detroit were higher in 1990 than they were in 1960. Many suburban communities on the borders of Detroit have remained almost completely white despite their proximity to adjoining minority-dominated city neighborhoods. Most Michigan residents, like their fellow citizens elsewhere, therefore live in neighborhoods that are not diverse racially or ethnically.

The costs of this persistent and pervasive racial separation are profound for minorities and non-minorities alike -- particularly as the population of the United States becomes increasingly diverse. Whites and minorities do not live near one another and they do not attend school together. Members of different racial and ethnic groups too often are denied the opportunity to benefit from all that our diverse communities have to offer. Such separation also fosters misconceptions and mistrust, and it affords little or no opportunity to correct the racial stereotypes that are often used as a basis and justification for racial separation. It has consequences for the racial composition of governments and workforces nationwide. And as many employers, particularly in the white collar sector, demand more diverse workforces, it means that few people have the necessary experience to deal with members of different racial groups. It is no surprise that living and learning in such a racialized environment necessarily affects one's experiences and viewpoints. In fact, numerous surveys by public opinion researchers demonstrate that large gaps divide whites and blacks on their views of a wide range of issues, and that those gaps have persisted over time. As Sugrue concludes: "There are unfortunately few places in American society where people of different backgrounds interact, learn from each other, and struggle to understand their differences and discover their commonality."

Foner and Camarillo describe the historical events and circumstances that have given rise to the conditions that Sugrue describes. Foner points out that race has been a crucial line of division in American society since the 17th century. Of the approximately 12.5 million persons who crossed the Atlantic to live in the western hemisphere between 1500 and 1820, some 10 million were African slaves. In the Reconstruction period that immediately followed the Civil War, American society formally embraced, for the first time, notions of civil equality. But race remained an important dividing line, and remains so today. Indeed, Foner shows that America's experience with its African-American minority has shaped the way Americans view questions of race and issues of similarity and difference.

Camarillo's report outlines the historical patterns and legacies of racial isolation and separation of Hispanics in American society. He explains how the Mexican-American and spanish-American wars of the 19th century, in conjunction with the westward expansion of the United States and the systematic exploitation of immigrant groups, have led to the marginalization and isolation of Mexican-Americans, Puerto Rican-Americans, and other Hispanic groups.

In light of our history and the persistence of racial separation, it is not surprising that race remains a defining characteristic of American life. Even in a world of racial *equality*, the educational imperative that Justice Powell identified in *Bakke* would exist as long as one's race was so prominent a part of one's experience. This is not to say, of course, that members of any racial group are somehow pre-ordained to hold some particular set of opinions or beliefs. Nor does it entail using race as a "proxy" for some other value. It is simply to say that whatever one's opinions and beliefs may be, they are affected by one's experience -- including the experience, for example, of being black, or of being white. And in light of the salience of race, it is not surprising that bringing together students from diverse racial groups creates a dynamic educational environment that stimulates cognitive processes and challenges stereotypes. Indeed, racial diversity in higher education has the powerful consequence of breaking down patterns of racial separation in the neighborhoods, employment settings and social groups of graduates from racially diverse colleges and universities. The University of Michigan argues that the importance of race in American history and in American life undergirds the educational imperative described in *Bakke* for achieving a racially diverse student body. At the same time, the University recognizes that by enrolling a racially diverse student body it is creating an environment that fosters the ability of all racial groups to participate fully in American society.

THE BENEFITS OF DIVERSITY: AN EMPIRICAL ANALYSIS

The University of Michigan composes its student body against this background of racial separation. The University draws nearly two-thirds of its students from Michigan, and nearly half come from the metropolitan Detroit area. Many other students come from similarly segregated communities elsewhere in the country. Most of Michigan's incoming students, therefore, have had little or no significant contact with members of different racial and ethnic groups before they come to Ann Arbor. This fact produces an opportunity for the University to capitalize on the educational benefits created by the presence of a diverse student body.

Professor Gurin's report provides conclusive proof that a racially and ethnically diverse university student body has far-ranging and significant benefits for *all* students, non-minorities and minorities alike. Gurin notes that students, who come to universities at a critical stage of their development, learn better and think in deeper, more complex ways when they are educated with diverse peers. They are also better prepared to participate more fully in our pluralistic democracy when they are educated in such a setting. In fact, diversity experiences in higher education alter the persistence of racial separation in our society. Using national and Michigan student databases, Gurin conducted one of the most extensive empirical analyses ever performed on how diversity in higher education affects students. Her analyses provide striking proof of these benefits of diversity.

Students in late adolescence and early adulthood are at a critical stage of development, and universities are positioned to take advantage of that potential for growth. For many students, the college and graduate school years represent the first sustained exposure to an environment other than their home communities. This coincides with the time in which young people experiment with new ideas and new roles, and begin to make adult commitments. Research shows that political and social attitudes are shaped during this time, and are heavily influenced by contact with peers. The University of Michigan, like similar institutions of higher education, recognizes this special opportunity and the corresponding obligation to take advantage of it -- in part by bringing together a student body that includes members of different racial and ethnic groups.

Students learn more and think in deeper, more complex ways in a diverse educational environment. Extensive research in social psychology, which Gurin surveys, demonstrates that active engagement in learning cannot be taken for granted. In fact, much of the "thinking" we do is actually mindless, the result of previous learning that has become so routine or scripted that thinking is unnecessary. Effortful and conscious modes of thought, rather than automatic thinking, foster better learning as they help students develop new ideas and ways of processing information, increase alertness and stimulate greater mental activity. Educational institutions plainly want to find ways to engage the deeper, less automatic mode of thinking. The social science literature shows that complex thinking occurs when people encounter a novel situation for which, by definition, they have no script, or when the environment demands more than their current scripts provide. Complex thinking occurs when we encounter people who are unfamiliar to us, when they encourage us to think or act in new ways, when relationships are unpredictable, and when people we encounter hold different kinds of expectations of us.

Racial diversity in a college or university student body provides the characteristics that research has determined are central to triggering the effortful thinking that produces the best learning. At the University of Michigan, for example, the racial diversity in Michigan's student body is new and unfamiliar for most students, providing multiple and different perspectives and likely to produce contradictory expectations. A diverse student body is especially likely to increase effortful, active thinking when, like Michigan, institutions of higher education capitalize on these conditions in the classroom and provide a climate in which students from diverse backgrounds frequently interact with each other. Gurin's empirical analyses show that interaction on campus with peers from diverse racial backgrounds, both in the classroom and informally, is positively associated with a host of "learning outcomes." Students who experienced the most racial and ethnic diversity in classroom settings and in informal interactions with peers showed the greatest engagement in active thinking processes, growth in intellectual engagement and motivation, and growth in intellectual and academic skills.

Gurin also proves the benefits of a racially diverse student body in a second major area. Education plays a foundational role in a democracy by equipping students for meaningful participation, and students educated in diverse settings are more motivated and better able to participate in our increasingly heterogeneous, complex and multicultural democracy: They are better able to appreciate the ideas of others -- called "perspective taking" -- when they interact with diverse peers on an equal footing. They are more equipped to understand and consider multiple perspectives, deal with the conflicts that different perspectives sometimes create, and appreciate the common values and integrative forces that harness differences in pursuit of the common good. Encountering students from different racial and ethnic groups on campus enables students to get to know one another and to appreciate both similarities and differences. The results of Gurin's empirical analyses confirm the central role of higher education in developing students into active citizens and capable participants in a pluralistic democracy. Students who experienced diversity in classroom settings and in informal interactions showed the most engagement during college in various forms of citizenship, and the most engagement with people from different races and cultures. They were also the most likely to acknowledge that group differences are compatible with the interests of the broader community. These effects continued after the students left the university setting.

Significantly, Gurin's empirical work also shows that, as she says, "patterns of racial segregation and separation historically rooted in our national life can be broken by diversity experiences in higher education." Experiences with diversity during college had remarkable consequences for the extent to which graduates in the national study were living racially and ethnically integrated lives in the post-college world. As shown in Figure 2, students with the most diversity experiences during college had the most diverse friends, neighbors, and work associates five years after leaving college. One consequence, then, of the University of Michigan's policy of enrolling a diverse student body, is that it may contribute to overcoming the legacy of racial separation that Sugrue describes. [See Figure 2.]

THE CONSEQUENCES OF RACE-SENSITIVE ADMISSIONS POLICIES

There is no question that a school's success, and its character, are directly tied to its student body. Each college and university must select a group of students that will -- as a whole -- reflect the values of the institution, make the greatest contributions to the educational process, and apply its teaching to serve the interests of the larger society. The institution's task, then, as Bowen says "is to assemble a total class of students, all of whom will possess the basic qualifications, but who will also represent, in their totality, an interesting and diverse amalgam of individuals who will contribute through their diversity to the quality and vitality of the overall educational environment." The lawsuits against the University of Michigan challenge the University's ability to compose a student body that enables it to achieve its educational mission and fulfill its obligations to the larger society.

Until recently, the debate surrounding race-conscious admissions policies was fueled primarily by guesswork and anecdotal evidence. Bowen and Bok's study, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*, now provides the empirical evidence necessary for an informed discussion of this critical issue, as does the work of Gurin, described above.

Contrary to current misconceptions, Bowen and Bok find that the use of race in the admissions processes of selective institutions of higher education over the last twenty years has been very successful. "[T]he data overwhelmingly demonstrate that minority students admitted to selective schools had strong academic credentials, graduated in large numbers and did very well after leaving college. By every measure of success (graduation, attainment of professional degrees, employment, earnings, civic participation, and overall satisfaction), the more selective the school, the more blacks achieved (holding constant their initial test scores and grades)." This evidence dispels the notion that the consideration of race in admission to selective institutions has done a disservice to minority students by placing them in schools in which they are unable to compete and that, as critics have suggested, these students would have been better off attending less selective institutions. While it is true that there remains a gap in the graduation rates of minority and majority students, such a gap is not explained by minority students' inability to complete the curriculum at selective schools. In fact, the graduation rates of black students are substantially *higher* at selective institutions -- 75 percent of black students graduated within six years from the school they first entered, as compared with the 40 percent of blacks and 59 percent of whites who graduated from the 305 schools across the country tracked by the National Collegiate Athletic Association.

There is also no evidence -- again, contrary to prevalent misconceptions -- that the consideration of race in the admissions process stigmatizes minority students. Black graduates of the most selective schools are the most satisfied with their college experience. Over 90 percent of both blacks and whites reported that they were satisfied or very satisfied with their college experience. Moreover, almost 80 percent of white students favored either retaining the current emphasis on a diverse student body or emphasizing it more. Even white students who had been rejected by their first-choice school, who, presumably, might be prone to oppose diversity efforts, supported an emphasis on diversity just as strongly as students who were admitted to their first-choice schools.

The findings of Bowen and Bok, as well as those of Steele, strike at the heart of the much misunderstood concept of "merit" in admissions to institutions of higher education. In our national discourse on this issue, "merit" has come to be defined by test scores and grades. As stated by Bowen, "Many people suppose that all students with especially high grades and test scores 'deserve' to be admitted and that it is unfair to reject them in favor of minority applicants with lower grades and test scores. But selective colleges do not automatically offer admission as a reward for past performance to anyone. Nor should they." Colleges and universities select students who are not only academically qualified, but who can make a contribution to the school and to society, which is generally manifested by nonquantifiable traits. While grades and test scores may be relevant, they are by no means all that matter.

More importantly, an inordinate reliance on test scores in higher education admissions would be misguided and would lead to the rejection of qualified students -- particularly minority students -- for several reasons discussed by Steele. Contrary to popular belief, these tests are not designed to test mental capacity nor mastery of a specified curriculum. Standardized tests are instead designed to test developed skills, which are affected by a host of experiential factors. Moreover, the predictiveness of these tests is quite limited. For example, the SAT measures only about 18 percent of the factors that determine freshman grades. Even that small predictive value decreases over time. SAT scores are thus less predictive of sophomore grades, even less predictive of graduation rates, and even less predictive of professional success. Consequently, large score differences -- even as much as 300 points on the SAT -- actually represent a very small difference in the skills that are crucial to academic performance as measured by grades.

Steele effectively illustrates the limitation on the usefulness of standardized tests with an analogy. Suppose that one were to select a basketball team based on a player's ability for free throw shooting. Each player would be given ten opportunities to make free throws. The obvious limitation is selecting basketball players based on the single criterion of free throw shooting, which is only a small portion of the skills that go into actual basketball playing. The same is true of standardized tests, which measure only a fraction of the skills that comprise a good student. A less obvious, but perhaps more complex problem in selecting basketball players based on free throw shooting, is in interpreting a player's scores. Those players who were unable to make any free throws would not be selected, while those who made 10 of 10 would be selected for the team. The difficulty is in deciding which players to select among those who made between four and seven throws. "Middling scores like these could be influenced by many things other than underlying potential for free throw shooting or basketball playing, such as the amount of practice involved, access to effective coaching, whether the player was having a good or a bad day. Roughly the same is true . . . for interpreting standardized test scores: Extreme scores (though less reliable) might permit some confidence in a student's likelihood of success, but middling scores are more difficult to interpret as an indication of underlying promise." Such scores may be influenced by a myriad of factors. Although test scores have some limited purpose in informing admissions decisions, they fail to capture more than a small portion of the factors that constitute academic merit.

Standardized test scores of minority students must be viewed with special caution as minority students tend to underperform on such tests due to a psychological phenomenon known as "stereotype threat." When taking tests that purport to measure ability, the performance of talented minority students may be undermined by their fear that they will conform to negative racial stereotypes. Stereotype threat persists even among middle-class blacks, indicating that socioeconomic status does not explain their underperformance.

Steele has confirmed the existence of stereotype threat by randomly assigning two groups of black and white students who were statistically equated on ability level, and giving each group a difficult 30-minute verbal test. The first group was told that the test measured ability; in that instance, black students performed much worse than white students. A second group of black and white students were given the same test, but told that it was a problem-solving task that had nothing to do with ability. In that instance, the performance of black students matched that of the white students. In the latter situation, the negative stereotype of blacks' intellectual or academic abilities was irrelevant to the black students because the task did not measure ability. In other words, the "stereotype spotlight" was turned off. These same results have been obtained with other groups whose abilities in certain areas are negatively stereotyped in society: women taking difficult math tests; white male athletes being given a test of natural athletic ability; and Hispanics taking a difficult English test. Interestingly, the detrimental effects of stereotype threat on test performance is greatest for those students who are most invested in doing well on the test. That is, stereotype threat affects the "cream of the crop" -- those students who are most skilled, motivated, and confident. It is especially for them that standardized test scores are failing to reflect their true talents.

Finally, one other cautionary note about standardized test scores bears discussion. The difference in average test scores between minority and majority students admitted to the University of Michigan and other selective colleges and universities have been misinterpreted as a sign that there is a lower admissions standard for minorities. In fact, the difference on most college campuses can be explained by the fact that minority students -- especially blacks -- are extremely underrepresented at the higher ranges of test scores and overrepresented at the ranges closer to an admissions threshold. This means that even though the averages of both majority and minority test scores exceed the threshold for admitting any applicant, the minority average will be lower than the average majority score. For instance, if a school were to use an SAT score of 1100 as a cut-off, and admitted all applicants with scores over 1100, the white students would have a higher average SAT score than black students, although all scores would be over 1100. This is so because there are simply more white students who score at the upper end of the SAT distribution. Thus, differences in average scores prove nothing about admissions standards.

RACIAL DIVERSITY IN LEGAL EDUCATION

Bowen and Bok's landmark study of the effectiveness of race-conscious admissions programs, as well as Gurin's research, were based on data relating to undergraduate education. Their work nevertheless supports the premise that achieving diversity is essential in legal education. As the Supreme Court observed nearly 50 years ago in *Sweatt v. Painter*, the law school is a "proving ground for legal learning and practice," and it "cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students, and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and exchange of views with which the law is concerned."

The interest in achieving a diverse student body is, without doubt, somewhat different in legal education than it is in undergraduate education. Because law schools provide a form of professional training, rather than a general liberal education, the educational interest in enrolling, for example, a concert pianist or an All-American linebacker, may be less pronounced than in undergraduate education. But because of the way in which the law affects nearly all social relations, such an interest is still present in legal education. And the interest in achieving a racially diverse student body, given the importance of race in American life and American law, is pronounced.

The conditions that Gurin identifies in the context of undergraduate education that render college students particularly amenable to the benefits of diversity also generally exist in legal education. The experience of most students in their first year of law school, particularly in institutions that rely on the Socratic method, requires a new and unfamiliar way of thinking, that is discrepant from one's prior experiences, that provides a source of multiple and different perspectives, and that is likely to produce contradictory expectations. As Syverud (who is now the editor of the Journal of Legal Education, and who began his career as a law teacher "skeptical that considering race in admissions had a positive effect on the educational experience of law students") explains, "[i]n my own civil procedure class, I call upon each student several times a semester, usually questioning each student for fifteen to twenty minutes. The purposes of this method are manifold; they include the desire to engage the student closely and carefully with a legal text and to make the classroom dynamic, lively, and interesting. At least as important, the method consciously seeks to make the students think, to learn from each other, and to learn to be able to see any set of facts from different points of view." As Gurin's report explains, these are exactly the conditions -- when students are facing new and different challenges and their pre-existing ways of thinking are being called into question -- in which a racially diverse educational setting is most likely to lead to active and engaged thinking.

Indeed, one of the most important objectives of American legal education is to cultivate in law students the ability to understand an issue from many perspectives at the same time. For reasons that are described in the reports submitted by Sugrue, Foner, and Camarillo, Americans of different races have experiences that affect their views of many subjects that figure prominently in legal education. For some of these issues -- such as civil rights law, criminal justice, and the First Amendment -- the relevance of race may be obvious; for other issues, such as civil procedure and property law, it may be more subtle. And for all of these issues, students may be surprised by similarities or differences in views that they had not anticipated. Because of the pervasive importance of race in American life, the presence of meaningful racial diversity is essential to the effective teaching, and learning, of American law.

THE NEED FOR RACE-SENSITIVE ADMISSIONS POLICIES: THE ABSENCE OF ALTERNATIVE MEANS TO OBTAIN RACIAL DIVERSITY

Highly selective colleges and universities, such as the University of Michigan, could not achieve racial diversity if they did not consider race as a factor in admissions. The data show that each of the proposed alternative methods of achieving diversity simply cannot work. There are two alternatives typically offered by those who oppose race-sensitive admissions policies: (1) the use of family income as a criterion instead of race; and (2) the admission of all students, regardless of race, who graduate above a certain class rank. Neither system would achieve racial and ethnic diversity and both contain flaws that would undermine the educational goals of selective colleges and universities.

The use of a class or income-based system would fail to attain racial diversity because there are too few blacks and Hispanics from poor families who have strong enough academic records to qualify for admission to selective institutions. Children from poor black and Hispanic families make up less than half of all poor children and are much less likely than poor whites to excel in school. To reach these students, schools would need to lower their academic thresholds to a point that would jeopardize their academic standing. Equally ineffective in achieving diversity would be a system that admits the top ten percent of high school graduates. As an initial matter it is appropriate to question the soundness of adopting a policy that would be successful only as long as the high schools from which student apply remain racially segregated. Furthermore, at the University of Michigan, such a policy would result in a dramatic drop in the presence of underrepresented racial minorities in the student body. Even if such a policy produced a racially diverse student body, it would result in the admission of students from weaker schools who may be unprepared for college, and in the rejection of better-prepared students from stronger schools. Because high schools differ so substantially in the academic abilities of their students and the level of difficulty of their curricula, all applicants who graduate above a certain class rank cannot be treated equally. These efforts, however well-intentioned, are ineffective in achieving any meaningful racial and ethnic diversity in selective institutions.

DIVERSITY IN HIGHER EDUCATION: THE CALL FROM BUSINESS AND THE PROFESSIONS

Leaders in the fields of law, business, and other professions demand that institutions of higher education be diverse. These professions recognize that not only do they need colleges and professional schools to turn out diverse classes of students to bring diversity to the professions, but also that students educated and trained in diverse settings will be better equipped to function and thrive in an increasingly diverse world.

In the context of the legal profession, for example, one of the most important skills for a lawyer to develop is the ability to work well with those of diverse backgrounds. Good advocacy requires understanding both the client and the adversary. Syverud, however, notes that many students come to law school with strong advocacy skills and poor listening skills. Students often assign to people of different races viewpoints that are not informed by experience or direct dialog. In Gurin's terms, they think in an "automatic" mode. Syverud notes, however, that "[t]hey are very often wrong. They don't know what they don't know, and it is my job to show them what they have to learn, every time, from every individual client or adversary."

Law schools have a responsibility to train students to become negotiators, problem solvers, managers, counselors, investigators and mediators. Syverud observes that "skills instruction is enhanced dramatically for all students by the interaction in class of future lawyers of all races, and by the different and at times unpredicted viewpoints different people may bring to the discussion." This phenomenon is confirmed by Webster's experience. Webster, who is white, is a former president of the Michigan state bar, and a former judge on the Oakland County Circuit Court. He grew up in a predominantly white neighborhood and attended predominantly white schools. As a 1955 University of Michigan Law School graduate, he did not have any meaningful interaction in law school with members of other racial groups. Nor were his experiences more varied at Hill, Lewis, Adams Goodrich & Tait, a leading Detroit law firm. It was not until he was named to the bench that he found himself in contact with those of other racial and ethnic groups. Those experiences "exposed and destroyed racial stereotypes I did not even know I harbored . . . But I did not only learn about differences; I also learned about similarities, about how much of the human condition transcends racial boundaries. Now, more than ever, our profession needs lawyers to be bringing these kinds of skills and insights to the bench -- not to be acquiring them there."

Perhaps for this reason, the legal profession itself demands that American law schools graduate diverse classes of young lawyers. In 1984, an American Bar Association report noted that the legal profession has a duty that "arises out of the unique offices that lawyers hold as ministers of the law and guardians of its conscience, and as teachers and advocates of fairness and equality." A 1987 report of the Michigan Supreme Court, reached the same conclusion, noting that "the presence of minorities in the profession increases public perception of fairness." And a 1998 report re-affirmed that position, stating that by "reflect[ing] the diversity of the constituency it serves," the justice system avoids "[t]he appearance of bias, as well as the reality of bias." Perhaps for these reasons, the American Bar Association and the Association of American Law Schools, both of which serve as accrediting bodies, require as a condition of accreditation that schools seek to enroll diverse classes of students. If American law schools were precluded from considering race as a factor in admissions, the public perception that the American legal system can be trusted to provide equal justice under law would be imperiled.

Business, government, and other professions make similar demands on higher education. According to current estimates, by 2030, 40 percent of all Americans will be members of minority groups. In our increasingly multi-racial society, corporations are making significant strides in recruiting and developing a workforce that values diversity and that can effectively conduct business worldwide. As Bowen attests, the business world has recognized the advantages of hiring graduates of universities with diverse populations -- whether minorities or non-minorities themselves -- who bring to the table an ability to work productively in a diverse environment. The significance of diversity in all walks of life will only intensify in the future. The seeds for such a future must continue to be sown today in our nation's colleges and universities.

Table of Contents Next section---Thomas J. Sugrue Expert Testimony

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

TABLE OF CONTENTS

I. STATEMENT OF QUALIFICATIONS
II. INFORMATION CONSIDERED IN FORMING OPINIONS
III. OTHER EXPERT TESTIMONY; COMPENSATION
IV. SUMMARY AND CONCLUSIONS
V. INTRODUCTION
VI. RACIAL PATTERNS IN THE UNITED STATES
VII. RACIAL PATTERNS IN MICHIGAN
VIII. SEPARATE WORLDS: RESIDENTIAL SEGREGATION AND RACIAL ISOLATION
    Current Patterns of Residential Segregation
    Origins of Residential Segregation and Racial Isolation
    Residential Segregation: The Last Thirty Years
    Black Suburbanization: A Sign of Change?
    Conclusion: Consequences of Racial Segregation
IX. PRIMARY AND SECONDARY EDUCATION
    The Roots of Racial Separation in Education
    Consequences of Divided Education
X. DIVERSITY AND DIFFERENCE: RACE, ETHNICITY, AND OPPORTUNITY
XI. QUALITY OF LIFE: WEALTH AND HEALTH DIFFERENCES
XII. DIVISIONS IN ATTITUDES AND PUBLIC OPINION
XIII. CONCLUSION
XIV. NOTES TO TEXT

LIST OF TABLES

1. Percentage Ethnic and Racial Composition of the United States, 1900-1996
2. Michigan Population by Race/Ethnicity
3. Michigan Counties, Percentage Black, American Indian/Eskimo/Aleut, and Hispanic Population
4. The Most Segregated Metropolitan Areas in the United States, Black/White
5. Black/White Segregation in Detroit, 1940-1990
6. The Most Segregated Metropolitan Areas in the United States, Hispanic/White
7. Hispanic Percentage of Population and Hispanic/White Segregation Rates, Michigan Metropolitan Areas, 1990"
8. Percent of Blacks and Hispanics Enrolled in All Public Schools and Enrolled in the Schools of Typical White Students in Selected States, 1991-92
9. Number of Blacks and Percent of the Total Workforce Employed in Selected Michigan Professions, 1940-1990
10. College Attendance and Completion by Race in Michigan, Persons 25 Years and Older, 1960-1990
11. Percent of Families Below Poverty Level by Race and Ethnicity, United States, 1960-1995
12. Children in Poverty, United States, 1970-1995, by Race and Hispanic Origin
13. Black/White Ratio of Age-Adjusted Death Rates for the 15 Leading Causes of Death in the United States

Figure 1. Racial Composition of School Districts Attended by Blacks and Whites in Detroit Area, 1994-1995

"Compelling Need" Table of Contents

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

I. STATEMENT OF QUALIFICATIONS

My name is Thomas J. Sugrue. I am Associate Professor of History and Sociology at the University of Pennsylvania, where I have been a member of the faculty since 1991. I was born in Detroit, Michigan in 1962 and received my primary and secondary education in schools in Detroit and its suburbs. I graduated with a B.A. in history, Summa Cum Laude, from Columbia University in 1984. I received a second B.A. in 1986 from Cambridge University. I was awarded an M.A. degree from Cambridge University in 1990. I earned an A.M. and a Ph.D. degree in history from Harvard University in 1987 and 1992 respectively.

My first book, The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit, was published by Princeton University Press in 1996 and has won four major awards, including the 1998 Bancroft Prize in American History. I have co-edited another book and have published more than a dozen scholarly articles and book chapters. In addition, I have written dozens of reviews, short essays, and professional papers. My research has concentrated on the status of African Americans and their relationship to the larger society. I have written extensively on the topic of race relations, with special attention to the perception and treatment of minorities over the last half century. I have also written about the economic, political, and social roots of racial inequality and poverty in the twentieth-century United States. I have conducted research in archives around the country. My book and a number of my articles discuss race relations and inequality in Michigan, with close attention to metropolitan Detroit. A detailed record of my professional qualifications, including a list of publications, awards, and professional activities, is set forth in the curriculum vita attached as Appendix A.

At the request of attorneys with Wilmer, Cutler, and Pickering, I have conducted research on the patterns and costs of racial separation and division, past and present, in the United States, with special attention to Michigan. My report is based on my extensive research in the reports of various local, state, and federal government agencies, census and other statistical reports, and relevant scholarly books and articles by historians, sociologists, political scientists, and economists. I also draw material from my own previously published books and articles.

II. INFORMATION CONSIDERED IN FORMING OPINIONS

A bibliography of sources consulted is attached to this report as Appendix B.

III. OTHER EXPERT TESTIMONY; COMPENSATION

I have not testified as an expert at trial or by deposition within the preceding four years. I am being compensated at a rate of $200/hour for this matter.

Next section of Sugrue Report
"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

IV. SUMMARY AND CONCLUSIONS

The population of the United States, and of Michigan in particular, has become increasingly diverse over the past thirty years. Americans of different races and ethnicities, however, live in worlds that have a long history of separation and are still, to a great extent, separate. This widespread separation between groups exacts a high price. This report examines the scope, causes, and consequences of persistent racial separation in the United States, with special attention to Michigan and metropolitan Detroit. I have chosen to focus on Michigan and Detroit as examples because the University of Michigan draws nearly two-thirds of its students from its home state and over half of its students from the metropolitan Detroit area.

While the aggregate population of the United States is increasingly diverse, the nation's minority groups are disproportionately concentrated in certain states and regions. The same pattern is true in Michigan: whole sections of Michigan are virtually all white. Almost three quarters of Michigan's blacks, for example, live in the Detroit area. Virtually all blacks, and more than 85 percent of Hispanics, live in Michigan's eleven metropolitan areas. This means that the vast majority of Michigan's counties have tiny minority populations. White residents in those counties are unlikely to have any significant contact with members of racial or ethnic minority groups.

Even when whites and minorities live in the same geographic regions, they still live in separate neighborhoods and lead separate lives. As a result of longstanding official policies, standard practices in the real estate industry, and private attitudes, the degree of racial separation in residence in the United States remains high. Three of the ten most segregated metropolitan areas in the United States are in Michigan. Metropolitan Detroit, home to about half of Michigan's residents, offers a particularly stark example of the persistence of black-white segregation. Detroit is the second most segregated metropolitan area in the country (following only Gary, Indiana), and rates of residential segregation in Detroit were higher in 1990 than they were in 1960. Many suburban communities on the borders of Detroit have remained almost completely white despite their proximity to adjoining minority-dominated city neighborhoods.

Largely because of the patterns of residential segregation, but also as a result of years of official policies, American primary and secondary schools are seldom diverse. Most students attend school with other students like themselves. Michigan ranks in the top four states in the country in the degree of black/white school segregation. In the metropolitan Detroit area, for example, 82 percent of the black students attend schools in only three school districts, which are nearly all black. More than 90 percent of the area's white students attend schools in districts with black student populations under ten percent (and most under three percent).

The costs of this persistent and pervasive racial separation are profound for minorities and non-minorities alike. Whites do not live near minorities, and they do not attend school together. Residential and educational distance fosters misconceptions and mistrust. It affords little or no opportunity to disrupt the perpetuation of racial stereotypes that are a basis and justification for racial separation. The high degree of separation by race reinforces and hardens perceptions of racial difference. It creates racially homogenous public institutions that are geographically defined, limits the access of many minorities to employment opportunities, and leads to racial polarization in politics. Residential segregation has led to a concentration of poverty in urban areas and means that members of minority groups, even those who are considered middle-class, have direct experience with poverty and its consequences. And numerous surveys by public opinion researchers demonstrate that large gaps divide whites and blacks on their views of a wide range of issues, and that those gaps have persisted over time. These patterns are the consequence of the fact that few Americans of different racial and ethnic backgrounds interact in a meaningful way on a daily basis.

In sum, today's racial and ethnic separation is a legacy of the past which we have not yet overcome.

Next section of Sugrue Report
"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

V. INTRODUCTION

At the end of the twentieth century, the United States is a remarkably diverse society. It grows more diverse by the day, transformed by an enormous influx of immigrants from Latin America, the Caribbean, Africa, and Asia. In an increasingly global economy, Americans are coming into contact with others of different cultures to an extent seen only in times of world war. Yet amidst this diversity remains great division. When the young black academic W.E.B. DuBois looked out onto America in 1903, he memorably proclaimed that "the problem of the twentieth century is the problem of the color line." (1) Over the last one hundred years, that color line has shifted but not disappeared. The brutal regime of Jim Crow and lynching was vanquished by a remarkable grassroots movement for racial equality and civil rights. Overt expressions of racism are less common than they were a half century ago. Many non-white Americans, among them African Americans, Hispanics, and Native Americans, are better off than their forbears. Despite all of the gains of the past century, however, the burden of history still weighs heavily. Color lines still divide and separate Americans. Many Americans have managed diversity by avoiding it -- by retreating into separate communities walled off by ignorance and distrust. In American public and private life, there are far too few opportunities to cross racial and ethnic barriers, to understand and appreciate differences, to learn from diversity rather than use it as an excuse for reproach and recrimination.

In the midst of our increasingly heterogeneous society are islands of homogeneity, places sometimes created by choice but more often built by inequity and injustice. All too many Americans today live in separate racially homogeneous worlds, in communities that are racially homogeneous. A majority of American children attend primary and secondary schools with students like themselves. They seldom benefit from exposure to the ideas, mores, and perspectives of students from backgrounds other than their own. Their experiences do not reflect the heterogeneity that characterizes the American population. Whites, particularly youth, are unlikely to have any sustained or serious contact with African Americans, Hispanics, or Native Americans. Many African Americans are unlikely to have any sustained contact with whites outside of their workplaces, with the exception of authority figures such as teachers, shopkeepers, and police officers. While separation has sometimes fostered a sense of solidarity among people with shared aspirations and values, it is a seedbed for misinformation, hostility, and fear.

The persistence of separation by race and ethnicity -- past and present -- has shaped the life experiences and attitudes of whites and minorities in fundamental ways. Despite measurable gains in the economic opportunities open to at least some members of minority groups, large gaps in socioeconomic status persist. The persistence of pejorative racial and ethnic stereotypes has greatly limited the opportunities available to blacks, Hispanics, and American Indians. Interracial distrust and suspicion is rife. Living and learning apart has created divergences in white and minority perceptions of many of America's key social institutions such as business, government, and the law. Racial division has also prevented many blacks, whites, Hispanics, and American Indians from seeing the common ground that we share. The mists of racial misunderstanding becloud the shared visions and aspirations and the common struggles that have the potential to bring us together.

Next section of Sugrue Report

"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

VI. RACIAL PATTERNS IN THE UNITED STATES

Demographic patterns in the United States have changed significantly over the last half century. Fifty years ago, a majority of African Americans lived in rural areas and in the south. Today, most live in urban areas and a majority live outside the south. At mid-century, the United States had few new immigrants. Most were of European descent, either family members of immigrants already established here or refugees from war-ravaged countries. Asian immigration had been restricted since the late nineteenth century; Central and South American immigration consisted primarily of temporary and seasonal workers. Today, the flow of immigrants to the United States is large, a consequence of the reform of immigration laws beginning in the mid-1960s. The face of the new immigration is non-European and non-white.

At the turn of a new century, the population of the United States is remarkably diverse (Table 1). The proportion of the population classified as white is shrinking and the proportion of non-white groups is growing.

Today, the largest non-white population in the United States is of African descent; 12.6 percent of the nation's population is black. The African American population of the United States has grown primarily because of natural increase, but also because of immigration, primarily from the Caribbean and Africa. Particularly striking has been the growth of the nation's Hispanic population, a category that includes Spanish-speaking immigrants from the Caribbean, Central and South America, and Mexico, as well as the descendants of Mexicans whose land was annexed to the United States in the nineteenth century. Today, 10.7 percent of the nation's population is Hispanic. The United States Bureau of the Census predicts that the nation's Hispanic population will soon exceed the African American population. The number of Americans of Hispanic descent is growing rapidly because of immigration and relatively high birth rates. The new immigration has also dramatically increased the number of Asians and Pacific Islanders in the United States, a group now comprising 3.7 percent of the U.S. population. The American Indian, Eskimo, and Aleut population of the United States is small, but has grown somewhat as the stigma of Indian descent has shrunk and as the native population has begun to repopulate after centuries of depopulation by war and disease.[*Note on terminology: The United States Bureau of the Census currently uses the terms white, black, American Indian/Eskimo/Aleut, and Hispanic. Hispanics may be of any race. I will follow customary practice and use the terms black and African American interchangeably. I will use the term American Indian as shorthand for American Indian/Eskimo/Aleut.]

The aggregate population of the United States is increasingly diverse, but the nation's minority groups are concentrated in certain regions and, in some cases, certain states. Blacks live disproportionately in the former slave states of the south and in northeastern and midwestern cities where they settled in large numbers as migrants over the course of the twentieth century. The Hispanic population is heavily concentrated in just a few states. Nearly three quarters of the nation's Hispanic population lives in just five states: California, Texas, New York, Florida, and Illinois. More than half of the nation's Hispanic population lives in California and Texas. (2) American Indians are scattered throughout the country in small numbers, but are heavily concentrated in a few states, most in the west, with large Indian reservations. Half of the nation's American Indian population lives west of the Mississippi River. Nearly three-fifths of the Native American population lives in just eight states: Alaska, Arizona, California, New Mexico, North Carolina, Oklahoma, Texas, and Washington. (3)

Next section of Sugrue Report

"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

Table 1: Percentage Racial and Ethnic Composition of the United States, 1900-1996

Year	White	Black	Other	American Indian	Asian/Pacific Islander	Hispanic
1900	87.9	11.6	0.5	NA	NA	NA
1910	88.9	10.7	0.4	NA	NA	NA
1920	89.7	9.9	0.4	NA	NA	NA
1930	89.8	9.7	0.5	NA	NA	NA
1940	89.8	9.8	0.4	NA	NA	NA
1950	89.5	10.0	0.5	NA	NA	NA
1960	88.6	10.5	0.9	NA	NA	NA
1970	87.6	11.1	1.3	NA	NA	NA
1980	85.9	11.8	---	0.6	1.7	6.4
1990	83.9	12.3	---	0.8	3.0	9.0
1996	82.8	12.6	---	0.9	3.7	10.7

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1997 (Washington, DC: U.S. Government Printing Office, 1997), Tables 12 and 13. For 1980 and 1990, the category "other" was broken down into the categories "American Indians and Alaska Natives" and "Asian and Pacific Islanders." Hispanics may be of any race. NA means data not available.

"Sugrue" section VI
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

Table 2: Michigan Population by Race/Ethnicity

	Population	% of Total Population	% of Total School Population
Total	9,295,297		
White*	7,649,951	82.3	77.4
Black*	1,282,744	13.8	17.5
American Indian/ Eskimo/Aleut*	52,571	0.6	1.1
Asian/Pacific Islander*	102,506	1.1	1.5
Other Race*	5,929	0.1	N.A
Hispanic+	201,596	2.2	2.6
Mexican	138,312	1.5	N.A.
Puerto Rican	18,538	0.2	N.A.
Cuban	5,157	0.1	N.A.
Other Hispanic	39,589	0.4	N.A.

Sources: 1990 U.S. Census of Population and Housing, Summary Population and Housing Characteristics: United States, 1990 CPH-1-1 (Washington, DC: U.S. Government Printing Office, 1992), Table 2; National Center for Educational Statistics, Digest of Education Statistics, (Washington, DC: U.S. Department of Education, 1996), Table 44, figures for public school enrollment, Fall 1994. N.A. means data not available.

*Figures for non-Hispanic population.

+Hispanics may be of any race (black, white, Asian/Pacific Islander, and American Indian/Eskimo/Aleut).

"Sugrue" section VII
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

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Table 3: Michigan Counties, Percentage Black, American Indian/Eskimo/Aleut, and Hispanic Population---page 1 of 3

	Black	American Indian/ Eskimo/Aleut	Hispanic
Alcona	0.3	0.6	0.5
Alger	2.4	3.4	0.5
Allegan	1.6	0.6	3.2
Alpena	0.1	0.3	0.5
Antrim	0.1	1.2	0.5
Arenac	0.1	0.9	1.1
Baraga	0.6	11.5	0.4
Barry	0.2	0.4	1.0
Bay	1.1	0.6	3.1
Benzie	0.2	1.9	1.1
Berrien	15.4	0.4	1.7
Branch	1.7	0.5	1.1
Calhoun	10.6	0.5	1.9
Cass	7.5	0.9	1.3
Charlevoix	0.1	1.8	0.5
Cheboygan	0.1	2.2	0.4
Chippewa	6.3	11.0	0.8
Clare	0.2	0.6	0.5
Clinton	0.4	0.5	2.2
Crawford	2.2	1.2	0.6
Delta	0.0	2.1	0.4
Dickinson	0.1	0.5	0.4
Eaton	3.6	0.5	2.4
Emmet	0.5	2.7	0.5
Genesee	19.6	0.7	2.1
Gladwin	0.1	0.5	0.6
Gogebic	1.3	1.6	0.4
Grand Traverse	0.4	0.9	0.8
Gratiot	0.8	0.4	3.8

Continue in this table
"Sugrue" Table of Contents

"Sugrue" section VII
"Compelling Need . . ." Table of Contents

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

VII. RACIAL PATTERNS IN MICHIGAN

The racial divisions that characterize life in Michigan are deeply rooted in the history of the nation and of the state itself. Native Americans have long lived on the margins of white society, literally and figuratively. Virtually the entire American Indian population of the state was extirpated or forced to migrate to the west in the eighteenth and nineteenth centuries. The small remaining American Indian population was largely concentrated on reservations, primarily in northern Michigan where short growing seasons, poor soil, and the lack of marketable natural resources have kept them isolated and impoverished. Reservation schools remained among the most troubled and under-funded in the state, but were the only choice available to many American Indians until 1934, when they were first officially permitted to enroll in Michigan's public schools. (4) American Indian migrants to cities also found themselves largely living in conditions of poverty, mainly in the poorest, most decrepit sections of cities, such as Detroit's Cass Corridor, where they attended primarily segregated schools with blacks. (5)

Michigan has a small Hispanic population whose history is distinct from that of other Michigan residents. Beginning in the 1920s, Mexican migrant farm workers were recruited to the state by sugar beet and fruit growers. The World War II-era *bracero* program brought even larger numbers of seasonal farm workers to the state. Most lived in temporary encampments and many worked in conditions of near-servitude. Because of their families' transiency and because of hostility on the part of local educational officials, Mexican farm workers' children rarely attended schools for any sustained period of time. (6) Other Mexicans came to Michigan to work in the automobile industry, particularly at Ford, where they were generally relegated to the least desirable jobs such as spray painting, helper positions, and foundry work. To supplement their income, many worked in low-paying pick and shovel jobs and as common laborers. (7) By the onset of the Great Depression, Detroit was home to nearly 15,000 Mexicans, most of whom lived in substandard housing, many in tent and boxcar camps along the city's rail lines. Although Mexicans and other Hispanics did not face the same degree of residential discrimination and segregation as did African Americans, they suffered discrimination particularly in workplaces. (8) Children of Mexican descent attended schools where few teachers had the language skills to teach them adequately. In addition, Mexican Americans were subject to repatriation and deportation campaigns. During the Great Depression, Mexican immigrants in Michigan, even those who had been naturalized as United States citizens, were routinely deported with the encouragement of Detroit Public Welfare Department officials who hoped to cut the poor relief rolls. A second wave of deportation, this based on citizenship rather than economic status, occurred in the early 1950s. Michigan's Hispanic population grew again with the immigration reforms of the 1960s. (9)

Blacks in Michigan, as I describe at greater length below, have long lived separately from other groups. Their economic, social, and educational circumstances differed significantly from other groups. Beginning with the World War I era migration of blacks to the north, they suffered great hostility from whites. Persistent racial discrimination entrapped blacks in the most insecure, poorly paying jobs. They bore the brunt of the effects of economic restructuring that began unheralded in the early 1950s as Michigan's urban job base began to erode when firms moved to white suburban and rural areas. They encountered intense resistance in their search for decent housing; their lack of free choices in the housing market created a high degree of residential segregation that has not changed significantly in the last half-century. Segregation had educational consequences as well: blacks were and are unlikely to attend schools with whites. (10)

Over the course of the twentieth century, Michigan has remained a majority white state, with a sizeable African American minority, and small Hispanic and American Indian populations (Table 2). Approximately 82 percent of Michigan's population is white; about 14 percent is African American; slightly more than 2 percent is Hispanic, mainly of Mexican descent; and under one percent is of American Indian/Eskimo/Aleut background.

As a whole, the state's minority population is younger than its white population; as a consequence, Michigan's minorities are represented in higher numbers and whites in smaller numbers in the state's population attending primary and secondary schools.

Whole large sections of Michigan are virtually all white. The state's African American population has long been concentrated in the state's largest city, Detroit. Almost three quarters of Michigan's blacks live in Detroit area. Altogether, 96.3 percent of Michigan's blacks live in the state's eleven census-defined metropolitan areas (Ann Arbor, Battle Creek, Benton Harbor, Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing/East Lansing, Muskegon, and Saginaw/Bay City/Midland). Nearly half of Michigan's Hispanics live in the Detroit area; 85.3 percent of Hispanics live in Michigan's eleven metropolitan areas. Slightly less than two-thirds of Michigan's Native American population live in the city's 11 metropolitan areas. (11)

The concentration of Michigan's minority populations can be seen in county-level census data. The vast majority of Michigan's eighty-three counties have tiny minority populations (Table 3). Forty-two (or more than half) of Michigan's counties have populations of 0.5 percent black or less; forty-eight counties have populations less than 1 percent black; fifty-nine counties have populations less than 2 percent black; seventy-two counties have populations less than 10 percent black. There are a few small enclaves of blacks outside metropolitan areas, most notably in Lake County, the site of a traditional black summer resort, and in Cass County, home to a small cluster of black farmers dating back to the nineteenth century. (12) Likewise, many places in Michigan are nearly devoid of Hispanics and American Indians. Forty-one counties have populations that are 1 percent or less Hispanic. Sixty-eight of Michigan's eighty-three counties have Hispanic populations less than the statewide percentage. Small pockets of Mexican Americans live in scattered small towns and rural areas, usually in the vicinity of fruit orchards and sugar beet farms that have long recruited migrant Mexican farm workers. Over two-fifths of Michigan's American Indians live scattered throughout the state, with concentrations on Indian reservations in a handful of central and northern Michigan counties.

Next section of Sugrue Report

"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

VIII. SEPARATE WORLDS: RESIDENTIAL SEGREGATION AND RACIAL ISOLATION

The most stubborn continuity in American race relations has been residential segregation by race. In Michigan, as in the nation as a whole, whites and minorities seldom live in the same neighborhoods. The questions -- where do you live? and who are your neighbors? -- are not trivial. A person's perspectives on the world, his friends, her group of childhood peers, his networks and job opportunities, her wealth or lack of wealth, his quality of education -- all of these are determined to a great extent by where he or she lives.

Most Michigan residents live in neighborhoods that are not diverse racially or ethnically. There are few places where children of different racial backgrounds play together. Blacks and whites seldom talk across the fence. They rarely meet causally on the streets. They do not worry together at their schools' parent-teacher nights. They do not often attend each other's birthday parties or belong to the same social clubs and churches or attend town meetings together. As children, they seldom belong to the same neighborhood sports teams. They rarely swim in the same pools. As teenagers, they rarely hang out together in malls or go on camping trips together or date. As adults, they intermarry very infrequently. They are not often at each others' weddings or funerals. Chance events or rituals, profound moments of bonding, or everyday social interactions -- these are the fabric of everyday life, the basis of relationships, of community, of commonality. Whites and non-whites are usually not part of each other's daily routines or witnesses to each other's life-changing events. Those routines and events occur in separate worlds. However diverse the United States has become in aggregate, the daily events and experiences that make up most Americans' lives take place in strikingly homogeneous settings.

Current Patterns of Residential Segregation

Residential segregation is the linchpin of racial division and separation. By segregation, I mean the separation of groups into neighborhoods dominated by members of a single racial or ethnic group. In most Michigan metropolitan areas, as in the nation, the degree of black-white racial separation in residence remains high, despite evidence of shifting white attitudes about race, despite successful court challenges to programs that perpetuated racial segregation, such as Shelley v. Kraemer (1948), which ruled that racially restrictive covenants were unenforceable, and Hills v. Gautreaux (1976), which ruled against racially isolated public housing projects, and despite the Fair Housing Act of 1968 and litigation against discrimination in rental and real estate practices in the last three decades. [13] The degree of black-white segregation has tended to lessen in communities with small black populations, areas around military bases (reflecting the racial heterogeneity of the armed services), and university towns. [14]

While patterns of black-white segregation are deeply entrenched throughout the country, racial segregation rates are particularly high in large metropolitan areas in the northeast and midwest, and particularly in Michigan. Table 4, based on data from the 1990 U.S. Census, lists the metropolitan areas in the United States with the highest degrees of black/white segregation. The metropolitan areas are ranked by their Index of Dissimilarity, a measure of the percentage of blacks who would have to move for the distribution of blacks and whites in every neighborhood to be the same as their representation in the overall population of the metropolitan area.

Three of the ten most racially segregated metropolitan areas in the United States are in Michigan: Detroit, Saginaw/Bay City/Midland, and Flint. Only the Gary/Hammond, Indiana area is more racially segregated than metropolitan Detroit. Two other Michigan urban areas rank in the nation's top twenty-five most segregated metropolitan areas--Muskegon and Benton Harbor. Two other areas, not in the top twenty-five -- Grand Rapids (with an index of dissimilarity of 72.3) and Jackson (69.9)-- have rates of black/white segregation higher than the mean index of black/white dissimilarity for metropolitan areas in the United States as a whole. Michigan's four metropolitan areas with moderate rates of segregation, Ann Arbor (49.5), Battle Creek (62.9), Kalamazoo (53.1), and Lansing/East Lansing (56.8), follow national trends. Three are home to major universities, and all have small black populations. Altogether, only 7.6 percent of all Michigan blacks live in these four areas. [15]

Metropolitan Detroit, home to about half of all Michigan residents, offers a particularly stark example of the persistence of black-white segregation. In the metropolitan Detroit area, the pattern of black-white segregation has fluctuated only slightly since 1940 (Table 5). In fact, rates of residential segregation in Detroit were higher in 1990 than they were in 1960, despite the liberalization of attitudes toward race and the passage of the Civil Rights Act of 1964 and the Fair Housing Act of 1968. In the 1980s, black-white segregation rates grew more pronounced in metropolitan Detroit, at a time when the degree of racial segregation fell slightly in many other major metropolitan areas in the nation. [16]

Hispanics experience a relatively high degree of segregation from whites, though not nearly as severe as that of blacks. Table 6 lists the twenty-five metropolitan areas with the highest rates of Hispanic/white segregation nationwide. Several patterns emerge from these data. Cities in the northeast and midwest experience the highest rates of Hispanic/white segregation. It is likely that in these metropolitan areas, the black-white color line influences Hispanic/white segregation patterns, for most northeastern cities have sizeable Hispanic populations of Afro-Caribbean origin, such as Dominicans and Puerto Ricans. Hispanics of African descent experience rates of racial segregation comparable to that of non-Hispanic blacks. Urban areas with large numbers of Hispanics (such as Chicago, New York, and Los Angeles) also tend to experience higher degrees of segregation than places with relatively few Hispanics, just as urban areas with large numbers of blacks tend to experience higher degrees of segregation than places with relatively few blacks. [17]

Michigan's Hispanic population is very small. Hence the degree of Hispanic/white in Michigan is significantly lower than that of blacks (Table 7). In addition, Michigan has few Hispanics of African descent, who tend to experience high rates of segregation. In only three Michigan metropolitan areas, Saginaw/Bay City/Midland, Grand Rapids, and Lansing/East Lansing, is the Hispanic population over three percent. It is in those areas, and Detroit, where the degree of Hispanic segregation is the highest.

Origins of Residential Segregation and Racial Isolation

Beginning with the New Deal, federal housing policy translated private discrimination into public policy, and officially ratified the discriminatory practices of developers and banks. Federal officials used an elaborate system of neighborhood classification, developed by the Home Owners Loan Corporation in the 1930s, to determine the eligibility of an area for home loans and mortgage guarantees. Predominantly minority or mixed-race neighborhoods seldom received federal mortgage and loan guarantees. The extent to which developers, seeking federal mortgage guarantees, would go to ensure the racial homogeneity of a neighborhood was vividly demonstrated in the early 1940s, when a developer of a subdivision for whites in northwest Detroit secured government-backed loans on the condition that a condition that a wall be constructed to separate the two neighborhoods. The developer built a six-foot high, foot thick wall which extended nearly one-half mile, and was successful in obtaining government-backed financing. [18]

In the wake of Shelley v. Kraemer, the FHA excised references to the racial character of neighborhoods from its underwriting manual, but its actuarial standards continued to prevent the financing of older, rundown homes and forbade the introduction of "incompatible" groups into a neighborhood. Realtors likewise adhered to a code of ethics that forbade the sale of a home in a homogeneously white neighborhood to a non-white. The lack of equal access to the mortgage market thus prevented most Detroit blacks from purchasing homes eligible for Federal Housing Administration (FHA) and Veterans Administration (VA) loans. The only black developments to receive federally backed loans and mortgages until the late 1960s were a few segregated communities newly constructed on open land near predominantly black neighborhoods, and the occasional infill home, constructed on vacant land in an already black neighborhood. Although federal laws since the 1960s have forbidden discrimination in mortgages and insurance, recent studies indicate that minorities still do not have equal access to home financing.

Not only did federal policies encourage racial separation in housing, but so too did organized resistance on the part of whites. In Detroit, more than 200 homeowners' associations existed in the mid-twentieth century, most of them created to resist black movement. Often white homeowners used violent means to prevent black movement into their neighborhoods. In northeast Detroit, in 1942, whites attacked black families moving into the Sojourner Truth Housing project. [19] Between the mid-1940s and mid-1960s, blacks who were among the first to move into formerly all-white neighborhoods were targeted in more than two hundred violent incidents and protests, including stone throwing, vandalism, arson, and physical attacks. In the 1960s and afterward, similar incidents sometimes accompanied black movement into Detroit suburbs. Whites, acting from a potent combination of fear and racism, made it clear to blacks that challenges to the color line would exact a high price. Recent studies show that many blacks are still reluctant to move into predominantly white communities because of their memories and fears of white opposition to their presence. Even if they do not expect violence, they still expect hostility. [20]

As Detroit's white population suburbanized, opposition to racial diversity extended to suburban communities. In Dearborn, a middle-class suburb that was home to Ford's international headquarters, city officials collaborated with real estate firms to preserve the racial homogeneity of their community. In the 1940s, Dearborn's mayor promised that Dearborn would remain an all-white community. To that end, throughout the 1940s, 1950s, and 1960s, Dearborn officials vigorously fought against mixed-income housing in their city on the grounds that it would become a "dumping ground" for blacks and other minorities. Despite the fact that Dearborn and Detroit are contiguous, today the Detroit side of the border is almost entirely African American, while the Dearborn side has hardly any blacks. [21] Other suburban communities resisted black movement and policies to diversify the local housing market. On the borders of Detroit are many communities, among them Warren, Redford, Hazel Park, and Harper Woods, which have remained almost completely white despite their proximity to minority-dominated city neighborhoods and their affordable housing stock. [22] Other suburbs devised elaborate techniques to keep minorities and other "undesirable" groups out. In the Grosse Pointes through 1960, realtors favored home buyers of northwestern European descent. Blacks, Asians and Latinos were excluded altogether, and Poles, Southern Europeans, Jews, and other "swarthy" groups needed to meet stringent qualifications if they were to be allowed to purchase a home in the exclusive suburban community. Although the Grosse Pointes are now home to some Jews, Italians, Poles, and other groups of European descent, they remain bastions of whiteness today. [23] As a consequence of the exclusion of blacks from many suburban areas, the Detroit metropolitan area is divided by many invisible lines of race, including long stretches of Eight Mile Road on Detroit's north and Mack Avenue on the east, to offer two examples.

Residential Segregation: The Last Thirty Years

The 1968 federal Fair Housing Act forbade discrimination against minorities by real estate brokers, property owners, and landlords. But real estate agents developed more furtive tactics to preserve the racial homogeneity of neighborhoods. The most significant was "steering," that is the practice of directing white home buyers to all-white communities and black home buyers to predominantly black or racially transitional neighborhoods. Real estate brokers catered to what they believed were the prejudices of their white customers.[24] A 1979 study of real estate practices in metropolitan Detroit revealed the prevalence of racial steering by brokers who showed blacks houses in black or racially mixed neighborhoods and seldom showed whites houses in racially diverse communities or in places that had any visible minority population.[25] More recent audit studies of housing discrimination conducted by the Department of Housing and Urban Development and by local housing and non-profit agencies -- where matched pairs of black and whites "testers" are sent to randomly selected real estate offices, consistently show the persistence of discriminatory treatment of black homeseekers and renters. [26] In short, discrimination by brokers has played a significant role in maintaining patterns of racial segregation throughout the United States, with an especially pronounced effect in metropolitan Detroit. Put differently, discriminatory real estate practices assure that blacks and Hispanics do not have the same degree of choice when they are house hunting as do whites.

Black and white attitudes also play a role in determining a neighborhood's racial composition. Detailed data from two University of Michigan-conducted Detroit Area Studies (1976 and 1992) show that blacks prefer racially mixed neighborhoods. Only a small number prefer to be "pioneers" in all-white neighborhoods; relatively few prefer all-black enclaves; but roughly nine out of ten blacks would be willing to move into neighborhoods inhabited by whites. [27] White views differ. Over the last two decades, whites have become more accepting, at least in principle, of the idea of having black neighbors. [28] But there remains a huge gap between principle and practice, between attitude (as measured by survey research) and behavior (as measured by actual patterns of racial mixing). Both Detroit area studies showed that "[w]hite demand for housing in an area is clearly affected by its racial composition." The more blacks a neighborhood has, the lower white demand for homes will be. [29] Also, in neighborhoods undergoing racial change, less prejudiced whites usually follow their more prejudiced predecessors in leaving neighborhoods as more blacks move in. There are virtually no neighborhoods in metropolitan Detroit that are one-third black, despite the fact that a majority of whites have told researchers that they would not feel uncomfortable living in such a neighborhood.

The lack of racial diversity in Detroit's neighborhoods can be explained in large part by the persistence of negative racial stereotypes. Metropolitan Detroit whites stated beliefs that blacks lack a work ethic, are prone to criminal activity, and are less intelligent than whites. A majority of Detroit area whites ranked whites more intelligent than blacks (56 percent); stated that blacks were more likely to "prefer to live off welfare" (71 percent); and spoke English less well than whites (77 percent). [30] The greater the extent to which whites endorsed these stereotypes, the less willing they were to accept blacks as neighbors. The authors of the Detroit study concluded that "whites who endorse negative stereotypes were more likely to say they would flee integrated neighborhoods and were less likely to consider moving into them." Similar studies conducted in other major metropolitan areas have also found that patterns of residential segregation by race are deeply rooted in racial stereotyping. [31]

It is important to note that residential segregation by race is not a natural consequence of disparities in income between blacks and whites. Middle-class and wealthy blacks are no more likely to live near whites than poor blacks. In an examination of the thirty metropolitan areas with the largest black populations in the United States, sociologists Douglas Massey and Nancy Denton found no significant difference in the segregation rates of poor, middle-class, and well-to-do African Americans. "Even if black incomes continued to rise," write Massey and Denton, "segregation would not have declined: no matter how much blacks earned, they remained racially separated from whites." [32] In metropolitan Detroit in 1990, the degree of residential segregation was uniformly high for blacks across the economic spectrum. The Index of Dissimilarity for black households with incomes below $5,000 was three points lower than that of black households with incomes of greater than $100,000. Rates of segregation among blacks and whites of equal incomes, ranging between $5,000 and $75,000 were even higher. [33] In addition, large sections of Detroit's predominantly white suburbs have housing that most blacks can afford. [34]

Disparities in black and white economic status do not explain the high rates of residential racial segregation.

Black Suburbanization: A Sign of Change?

Since 1970, there has been a significant migration of African Americans away from center cities to suburbs. Suburban places like Prince Georges County, Maryland (outside Washington, DC) or Southfield, Michigan (outside Detroit) have generated much press coverage for their growing African American populations. Some observers have suggested that black suburbanization is a sign of significant change in American race relations, a move toward a more racially integrated society. But such optimistic views are not borne out by the evidence. Rather, patterns of residential segregation are persisting in suburbia. It is a fallacy to equate suburbanization with racial integration. In most places, black suburbanites have been greeted with white flight and the white abandonment of public schools.

Southfield, Michigan is a case in point. The community's black population has skyrocketed since 1970. One can find African Americans living in spacious 1950s and 1960s-era ranch houses, colonials, and tri-levels that were unavailable to them during the segregated era when they were built. Only 102 blacks lived in Southfield in 1970; nearly 7,000 lived there in 1980; about 29,000 lived there in 1990, making the black population about one-third of Southfield's total population. [35] But a review of census data for Southfield indicates a pattern of resegregation. The census tracts south of Ten Mile Road have become overwhelmingly African American. In addition, the Southfield public schools have witnessed a profound racial change. Eighty-seven percent of Southfield public school students were white in 1980; in 1990, 44 percent were white; in 1994-95, only 33 percent were white; in 1997 only 27 percent were white. It is likely, given the current trends, that Southfield will become a predominantly black community and that its schools will become almost completely black in the next ten years. If Detroit's past serves as an accurate guide, a growing black population will continue to spur white flight and lead to disinvestment and to Southfield's political marginalization in overwhelmingly white Oakland County. [36]

Conclusion: Consequences of Racial Segregation

The persistence of racial separation has had profound consequences for minorities and whites alike. It creates racially homogenous public institutions that are geographically defined, most importantly school districts. It limits the access of many minorities to employment opportunities, particularly in predominantly white areas (largely rural and suburban areas) that have experienced rapid development and economic growth over the last half century. It limits minorities' access to place based networks that provide access to jobs and economic opportunities, particularly for youth. It leads to a racial concentration of poverty in cities and to racial polarization in politics and in the distribution of resources. Because of strict segregation in cities and suburbs, blacks and whites do not perceive their interests to be common; better-off white suburbanites are increasingly unwilling to see their tax dollars spent on programs that they perceive will benefit cities and their minority residents. Fleeing whites then look back onto their old neighborhood and blame minorities for its deterioration, without acknowledging the role that stereotypes, population flight, and disinvestment played in the reshaping of those neighborhoods. [37] Racial separation has become a self-fulfilling prophecy. Whites do not live near minorities. Their residential distance fosters misinformation and mistrust. It leads to a perpetuation of racial stereotypes that then become a basis and justification for racial segregation.

In sum, residential division by race remains a jarring anachronism in an increasingly racially diverse society. Residents of American cities like Detroit have created a cognitive map of the city based on racial classifications. Those classifications exact a high price. The high degree of segregation by race reinforces and hardens perceptions of racial difference. It has profound effects on racial attitudes and opportunities. And it creates a domino effect, seriously limiting interracial contact in many other arenas of American life.

Next section of Sugrue Report

"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

Table 4: The Most Segregated Metropolitan Areas in the United States, Black/White

Metropolitan Area	Index of Dissimilarity
1. Gary/Hammond, IN	89.9
2. Detroit, MI	**87.6**
3. Chicago, IL	85.5
4. Cleveland, OH	85.0
5. Milwaukee, WI	82.6
6. Saginaw/Bay City/Midland, MI	**82.2**
6. Newark, NJ	82.2
8. Buffalo, NY	81.7
9. New York, NY	81.5
10. Flint, MI	**81.2**
11. Glens Falls, NY	77.5
12. Philadelphia, PA	77.1
13. St. Louis, MO	76.9
14. Muskegon, MI	**76.8**
14. Bergen/Passaic, NJ	76.8
16. Fort Myers/Cape Coral, FL	76.3
17. Nassau/Suffolk, NY	76.1
18. Cincinnati, OH	75.7
19. Youngstown/Warren, OH	75.6
20. Harrisburg/Lebanon/ Carlisle, PA	75.5
21. Hartford, CT	75.2
22. Dayton/Springfield, OH	75.0
23. W. Palm Beach/Boca Raton/ Delray, FL	74.5
24. Benton Harbor, MI	**74.4**
25. Indianapolis, IN	74.2
25. Bridgeport/Milford, CT	74.2

Source: U.S. Bureau of the Census, Residential Segregation Detailed Tables, Table 3a (Washington: U.S. Bureau of the Census, 1994). Available: http://www.census.gov/hhes/www/housing/resseg [30 November 1998]. The Census calculated the figures for 316 metropolitan areas.

"Sugrue" section VIII

"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

Table 5: Black/White Segregation in Detroit, 1940-1990

1940	89.9
1950	88.8
1960	84.5
1970	88.4
1980	86.7
1990	87.6

Sources: Annemette Sorensen, Karl E. Taeuber, and Leslie J. Hollingsworth, Jr., "Indices of Racial Residential Segregation for 109 Cities in the United States, 1940 to 1970," Sociological Focus 8 (1975), pp. 128-130; Douglas S. Massey and Nancy A. Denton, American Apartheid: Segregation and the Making of the Underclass (Cambridge: Harvard University Press, 1993), p. 222. The 1940-1970 figures are for the city; the 1980-1990 figures are for the Standard Metropolitan Statistical Area.

"Sugrue" section VIII
"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

Table 7: Hispanic Percentage of Population and Hispanic/White Segregation, Michigan Metropolitan Areas, 1990

Metropolitan Area	Percent of Population	Index of Dissimilarity
Ann Arbor	2.0	26.1
Battle Creek	1.9	28.5
Benton Harbor	1.7	34.8
Detroit	1.9	39.7
Flint	2.1	31.4
Grand Rapids	3.3	46.8
Jackson	1.5	29.7
Kalamazoo	1.8	30.7
Lansing/East Lansing	3.9	38.3
Muskegon	2.3	30.1
Saginaw/Bay City/Midland	4.4	45.7

Source: U.S. Bureau of the Census, Residential Segregation Detailed Tables, Table 4(a). (Washington: U.S. Bureau of the Census, 1994). Available: http://www.census.gov/hhes/www/housing/resseg [30 November 1998].

"Sugrue" section VIII
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

EXPERT REPORT OF THOMAS J. SUGRUE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

IX. PRIMARY AND SECONDARY EDUCATION

Racial homogeneity is the norm in American primary and secondary schools. American children are unlikely to encounter members of other racial groups in the classroom. Put differently, American primary and secondary schools are seldom diverse: most students go to schools with other students like themselves. By 1980, 17 of the nation's 20 largest cities had predominantly minority school districts. Most of them are surrounded by overwhelmingly white suburban school districts. As a consequence, University of Michigan demographer Reynolds Farley has shown, these public schools are "almost as racially segregated as those which were constitutionally permitted before the 1954 *Brown* decision." [38]

Table 8 calculates the number of Hispanic and black students who attend the school of the typical white student in six states with the largest number of freshman applicants to the University of Michigan. Between 1990 and 1995, applicants from these states made up 73 to 75 percent of the applicants to the University of Michigan from the United States. [39] The second column in the table, the percentage of blacks and Hispanics enrolled in all public schools, gives a sense of what the population of a school district would look like were all minorities evenly distributed across all school districts in the state. In these six states, white students attended schools that had far fewer minority students than the percentages enrolled in public schools statewide.

In Michigan, most children attend schools with others like themselves. According to a study prepared for the National School Boards Association, Michigan ranks in the top four states in degree of black/white school segregation, along with New York, Illinois, and New Jersey. During the 1991-92 school year, 58.5 percent of black students in Michigan attended overwhelmingly minority schools (those with student populations that are 90 to 100 percent minority). Nearly four-fifths (79.9 percent) of black students in Michigan attended schools that have majority minority populations. It is striking that far more students are likely to attend racially integrated schools in the Southern states (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia) than in Michigan. [40]

The three-county Detroit area offers a particularly striking example of the lack of diversity in primary and secondary education. A glance at school district enrollment figures for metropolitan Detroit makes clear the lack of diversity in most Detroit area schools (Figure 1). Of the 613,063 students attending public schools in Macomb, Oakland, and Wayne Counties, 66.4 percent are white; 29.9 percent are black; 1.7 percent are Hispanic; 0.6 percent are American Indian, Eskimo, or Aleut; and 1.9 percent are Asian/Pacific Islander. These students attend school in 83 separate school districts. In 60 of the 83 Detroit area school districts, the black student population is three percent or less; another 7 districts have black student populations under ten percent. Altogether 90.7 percent of Detroit area white students attend schools in these districts. By contrast, districts with large numbers of blacks have very few whites. Eighty-two percent of Detroit-area blacks attend schools in only three nearly all-black school districts -- Detroit, Highland Park, and Inkster. The area's Hispanic population is more dispersed, but more than 50 percent of Detroit-area Hispanics attend schools in two predominantly black school districts, Detroit and Pontiac. Asians and American Indians are scattered throughout the area in very small numbers. While they are over represented in some districts (Asians in Bloomfield Hills, Troy, Novi, and West Bloomfield; American Indians in Gibraltar and Hazel Park), there are no sizeable concentrations of either group in the metropolitan area. [41]

Of Metropolitan Detroit's 83 school districts, only two (Mount Clemens and Romulus) come at all close to the three-county area proportion of blacks, Hispanics, and whites. If we compare the racial/ethnic composition of Detroit-area schools to the state as a whole, we find that only five small metropolitan Detroit school districts have black/white ratios approximating those of the state at large (Clintondale, Ferndale, Hamtramck, New Haven, and Van Buren). A total of 3,176 black students and 13,441 white students attend schools in these districts, or 1.8 percent of the three county area's black student population and 3.3 percent of the area's white student population. [42]

The Roots of Racial Separation in Education

Racial divisions in metropolitan Detroit schools have a long historical pedigree. In the years before 1960, Detroit officials maintained patterns of segregation within the school district by redrawing the catchment areas of schools in racially changing areas and by allowing white students to transfer out of schools with growing black populations. Efforts to challenge the patterns of school segregation in Detroit met with intense white opposition, though a small number of white activists fought for racial integration and worked to achieve classroom diversity in the city. In 1960, when the school board, responding to critics of its racial division, introduced a voluntary "open schools" plan that allowed black children to transfer to formerly all-white schools, white parents' groups petitioned for the recall of elected school board members and boycotted classes for three days. Almost no whites participated in the program. [43]

Again in 1970, when the Detroit School Board announced a plan for the desegregation of its high schools, parents supported boycotts of classes and mounted a successful campaign to recall the four white school board members who supported the plan. [44] Whites also responded by withdrawing their children from Detroit's public schools in huge numbers. In the short period between 1967 and 1978, the Detroit Public School District lost 74 percent of its white students, the second highest rate of white enrollment decline in the public school districts of the nation's twenty largest cities. [45] By 1980, only 14 percent of Detroit public school students were white; in 1990, only 8.4 percent of Detroit public school students were white; in 1994-95, only 6.2 percent of Detroit public school students were white. [46]

The racial segregation of Detroit's schools was accompanied by the rapid growth of surrounding suburban school districts. As whites fled to the suburbs, they primarily settled in racially homogeneous communities. As a result, the racial composition of Detroit-area school districts reflects the homogeneity that prevails in most of the communities in the region. The high rate of residential segregation in housing ensures little racial diversity in education.

Also contributing to the racial division of Detroit area schools is the lack of significant programs in Michigan to bring together students across school district lines, as there are in other cities such as Indianapolis, where courts ordered inter-district desegregation, or Boston, Milwaukee, and Saint Louis, all of which have large voluntary inter-district school desegregation programs. Metropolitan Detroit has no voluntary or mandatory inter-district school integration programs. Most suburban residents opposed both inter-district busing and even small-scale voluntary efforts to bring minority students into their schools. [47]

Consequences of Divided Education

The consequences of racial disparities in education are far-reaching. Nearly every American child under the age of sixteen attends school; children spend most of their days over nearly three quarters of the year in the classroom; most children forge their most important non-familial relationships among their classmates. The vast majority of white primary and secondary school students have no significant contact with black, Hispanic, or American Indian students in the classroom. The vast majority of African American primary and secondary school students have no significant contact with white students on a daily basis. For more than a half century, specialists on race relations have reminded us that racial separation fosters mutual suspicion and hostility. It allows stereotypes and myths to flourish, because students lack direct evidence to contradict their erroneous impressions. The racial and ethnic divisions in the United States are reinforced by the American educational system.

Next section of Sugrue Report

"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

Table 8: Percent of Blacks and Hispanics Enrolled in All Public Schools and Enrolled in the Schools of Typical White Students in Selected States, 1991-92

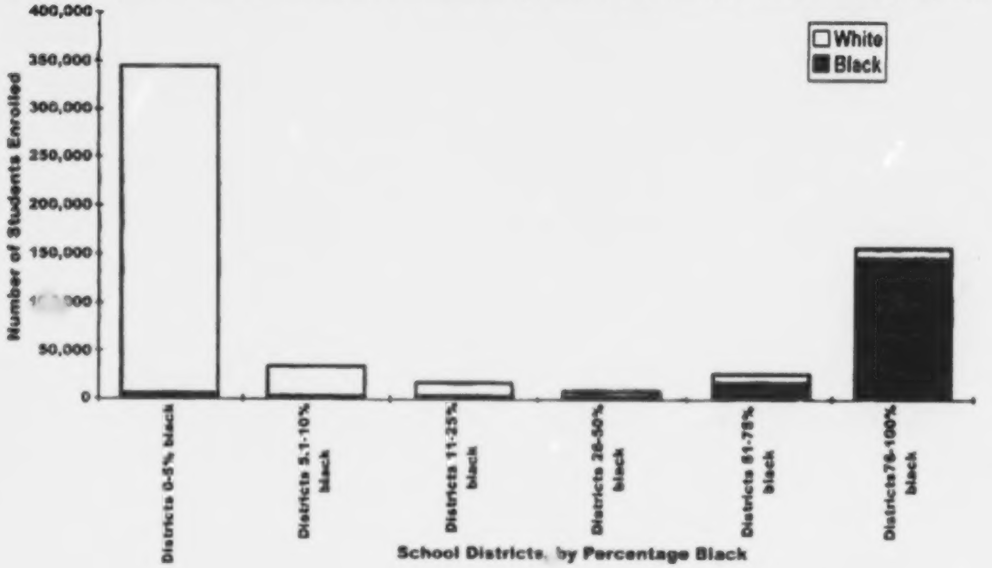
	% Minority in School of Typical White		% Minority in Schools Statewide	
	Black	Hispanic	Black	Hispanic
Michigan	4.8	2.1	17.2	2.4
New York	6.7	5.0	20.1	15.8
Illinois	6.6	4.9	21.4	10.3
California	5.3	21.5	8.6	35.3
New Jersey	7.4	5.5	18.6	12.2
Ohio	7.0	1.0	14.1	1.3

Sources: Gary Orfield, The Growth of Segregation in American Schools: Changing Patterns of Separation and Poverty Since 1968 (Alexandria: National School Boards Association, 1993), Table 7; National Center for Educational Statistics, Digest of Educational Statistics (Washington, DC: U.S. Department of Education, 1993), Table 47. Figures for public school enrollment, 1991-1992.

"Sugrue" section IX
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

FIGURE 1

Racial Composition of School Districts Attended by Blacks and Whites in Detroit Area, 1994-95



Source for Figure 1: K-12 Public Education in Michigan: Selected Characteristics and Services by County and School District (Lansing: Michigan League for Human Services, 1997). Calculated from school district enrollment data from 83 Macomb, Oakland, and Wayne County districts.

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X. DIVERSITY AND DIFFERENCE: RACE, ETHNICITY, AND OPPORTUNITY

There have been significant changes in the racial composition of the American workforce over the last fifty years. In 1963, when Ford Motor Company was asked to list its white-collar occupations that employed blacks, it included valets, porters, security guards, messengers, barbers, mail clerks, and telephone operators. (48) That such a list would be unimaginable today offers evidence of how much has changed. Only three decades ago, whole sectors of the economy were nearly all white. There were virtually no black, Hispanic, or Native American college professors. The number of black lawyers was minuscule and the vast majority of all-white law firms did not admit black lawyers. Black doctors could not get positions or even privileges in white hospitals. Nary a black face could be found among the tens of thousands of middle-level, white-collar workers in Detroit's private firms. The records of civil rights organizations like the Detroit Urban League contain many letters from highly qualified African Americans who were unable to get white collar jobs in white firms. (49)

Minorities made limited inroads in the blue-collar sector in the mid-twentieth century. Minorities made their biggest gains in the auto industry, particularly during World War II, when their representation in the auto plants of Detroit, Flint, and Saginaw rose significantly. But they were generally confined to certain sections of plants and certain job classifications and were virtually absent from many other factory complexes. With few exceptions, black and Hispanic workers were confined to what one observer aptly called "the meanest and dirtiest jobs" in the urban economy, whether it be janitorial, sanitation, maintenance work, or work in the unbearably hot and life-threatening forges at automobile and steel plants. And minorities were excluded from many other jobs altogether. Whole sectors of the labor market, ranging from the unionized, skilled trades to sales positions, were almost entirely closed to blacks. The unionized building trades remained heavily white. Few blacks could be found in metropolitan Detroit's brewing, chemical, and tool and die factories. Apprenticeship programs, the gateway to the lucrative skilled trades, were virtually closed to minorities. Until the 1960s, blacks and Hispanics had virtually no jobs that involved personal contact with white customers such as retail clerks, bank tellers, airline stewardesses, and cashiers. (50)

The walls of racial privilege fell slowly in Detroit area workplaces. A coalition of civil rights activists, elected officials from both parties, and unionists campaigned for workplace integration. Many of the state's most prominent employers opposed the 1955 Fair Employment Practices law that forbade discrimination on the basis of race or creed in Michigan. In the early 1960s, civil rights pickets in front of some of the state's most venerable businesses (the National Bank of Detroit and General Motors) led these companies to take steps to bring aboard black employees to avoid public embarrassment. Other civil rights activists targeted the mostly white skilled trades and apprenticeship program and targeted department stores, breweries, and groceries, all of which had formerly excluded minorities. (51)

In the aftermath of the passage of the Civil Rights Act of 1964, many firms began to open their doors gradually to minority employees. Government contractors, bound by anti-discrimination and equal opportunity laws, made inroads in the hiring of minorities. But the experience of minorities in private sector employment has been mixed. Some employers continued to prefer the comfort of homogeneity and avoid what they perceive to be the risks of diversification. Data from the Multi-City study of Urban Inequality shows that in Detroit, Boston, Atlanta, and Los Angeles, many employers regularly make hiring decisions based on stereotypes about minorities and use race or ethnicity as "signals" of desirable or undesirable work characteristics. Many employers fear that minority workers will be less reliable, prone to crime, and unwilling to work hard. (52) Detailed interviews with Chicago area employers have also found that employers use race as a proxy for worker skills, motivation, and personal characteristics. (53) Pernicious racial stereotypes persist in many workplaces, a consequence of the fact that most white employers know precious little about minority workers and have little experience with them in other aspects of their daily lives.

Change also occurred haltingly for middle-class minorities. Prior to the civil rights era, there was a small black middle-class, mostly owners of what were called "race" businesses, such as funeral homes, restaurants and clubs, barber shops, and small stores that served a largely black clientele. Black businesspeople, with few exceptions, operated in a segregated world. For example, before 1961, there were no black "realtors." Black real estate brokers were called "realtists," because they were denied membership in the Detroit Real Estate Board and forbidden to use the trademark name "realtor." Even in the case of government, where blacks made the largest inroads, most were clustered in a few departments that served a primarily black constituency. (54)

A transformation in the composition of the black middle class occurred largely in two periods, between 1950 and 1960 and most dramatically after 1970 (Table 9). In 1960, the entire state of Michigan had only 324 black physicians, 142 black lawyers, 201 black engineers, and 95 black college teachers. The number of black physicians actually fell during the 1960s and the number of black lawyers increased by only 51 in that decade. But between 1970 and 1990, the number of black professionals rose significantly. By 1990, Michigan had 1,076 black doctors, 1,178 black lawyers, 2,658 black engineers, and 1,509 black college teachers. By any measure, the gains over a short twenty year period were remarkable. The number of black professionals rose most steadily in the aftermath of the civil rights era, as the first sizeable generation of black students graduated from law schools, medical schools, and other institutions of higher education (Table 9).

The increase in the number of black professionals after 1970 had roots in two major changes. The first was the dramatic expansion of opportunities in higher education for African Americans. The percentage of blacks with more than a high school education rose gradually in the postwar era, primarily because blacks migrated to the north, where they had greater educational opportunities than in the Jim Crow south (Table 10). Still, significant black-white gaps persisted. Indeed, the ratio of blacks and whites in higher education worsened slightly in the 1960s but improved dramatically after 1970. The biggest increases came after 1970 when blacks entered universities and professional and graduate schools in large numbers for the first time.

The second major change occurred in private and public sector hiring practices, particularly for white-collar positions. Government became one of the most important avenues for minority opportunity. And in the 1970s, many employers began to reach out to minority workers out of fear of litigation. Some of the largest minority white-collar gains came in personnel offices that deal with state and federal agencies that enforced anti-discrimination laws. Many employers also began to create more diverse workforces when they realized that multicultural workplaces offered many competitive advantages. In some firms, minorities have made gains in positions that required contact with minority customers or clients in Africa, Latin America, or the Caribbean. Others have hired minority executives in sales and marketing to reach lucrative ethnic niches in the market. And growing number of employers contend that a diverse workforce brings significant competitive advantages. In 1984, the Xerox company, to take one example, launched a plan to create a "balanced workforce." Only a decade earlier, Xerox was one of the most homogeneously white firms in the country, with few minority employees. (55) In a 1996 Harvard Business Review article that surveyed employers about racial and ethnic diversity, David Thomas and Robin Ely noted that a growing number of managers argue that "[a] more diverse workforce will . . . increase organizational effectiveness. It will lift morale, bring greater access to new segments of the marketplace and enhance productivity . . . . (56)

In addition, predictions about demographic change over the next half century have provided a compelling rationale that workplace diversity is crucial to firms' growth and survival. (57)

In sum, the experience of minorities in the workforce is mixed. Many employers still discriminate, the consequence of the persistence of stereotypes about minority groups. Other employers, particularly in the white collar sector, are demanding more diverse workforces and rewarding employees who have experience with diversity and are comfortable in diverse settings.

Next section of Sugrue Report
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

Table 9: Number of Blacks and Percent of the Total Workforce Employed in Selected Michigan Professions, 1940-1990.

	1940		1950		1960	
	Num.	Pct.	Num.	Pct.	Num.	Pct.
Physicians	125	2.0	196	2.7	324	3.4
Attorneys	63	1.2	95	1.7	142	2.2
Clergy	194	4.4	381	0.7	345	4.9
Engineers	25	0.2	78	0.3	201	0.5
Editors, Reporters & Authors	17	0.8	24	0.7	28	0.6
College Teachers	6	0.2	15	0.3	95	1.1
Elementary & Secondary Teachers	183	0.5	845	1.9	2687	3.9
Social Workers	92	3.3	363	8.9	760	13.3
Nurses	109	0.8	509	2.8	1322	5.3

	1940		1950		1960	
	Num.	Pct.	Num.	Pct.	Num.	Pct.
Physicians	303	2.6	846	5.0	1076	5.0
Attorneys	193	2.3	685	4.2	1178	5.7
Clergy	404	5.0	549	5.5	676	6.2
Engineers	722	1.3	2156	3.4	2658	4.4
Editors, Reporters & Authors	161	3.2	242	4.0	621	6.6
College Teachers	440	2.2	1059	4.5	1059	5.6
Elementary & Secondary Teachers	7499	7.1	11528	9.2	13143	10.3
Social Workers	1652	19.0	4743	22.8	6989	25.9
Nurses	2535	7.9	3404	7.3	5612	8.1

Sources: U.S. Bureau of the Census, 1940 Census of Population: Michigan, Vol. 1, Part 24 (Washington, DC: U.S. Government Printing Office, 1943), Table 13; 1950 Census of Population: Michigan, Vol. 1, Part 24 (Washington, DC: U.S. Government Printing Office, 1953), Table 77; 1960 Census of Population: Michigan, Vol. 1, Part 24 (Washington, DC: U.S. Government Printing Office, 1963), Table 122; 1970 Census of Population: Michigan, Vol. 1, Part 24 (Washington, DC: U.S. Government Printing Office, 1973), Table 171; 1980 Census of Population: Michigan, Vol. 1, Part 24 (Washington, DC: U.S. Government Printing Office, 1983), Table 219; 1990 Census of Population and Housing: Equal Employment Opportunity File, on CD-ROM (Washington, DC: U.S. Bureau of the Census, 1992). Data from 1990 includes the entire Experienced Civilian Labor Force.

Section IX of Sugrue Report
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

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Table 10: College Attendance and Completion by Race in Michigan, Persons 25 Years and Older, 1960-1990

	Black	White	Black/White Ratio
Percent with 4 or More Years of College			
1960	2.9	7.2	40
1970	3.8	10.0	38
1980	7.6	14.9	51
1990	10.1	18.1	56
Total with College Degrees or Who Attended College			
1960	8.4	15.5	54
1970	10.5	20.0	53
1980	24.1	30.6	79
1990	38.3	45.3	85

Sources: U.S. Bureau of the Census, 1960 Census of Population: Michigan, Vol. 1, Part 24, Table 103; 1970 Census of Population: Michigan, Vol. 1 Part 24, Table 148; 1980 Census of Population: Michigan, Vol. 1, Part 24, Table 203; 1990 Census of Population: Michigan, CP-1-24 (U.S. Government Printing Office, 1992).

Section X of Sugrue Report
"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

EXPERT REPORT OF THOMAS J. SUGRUE
Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

XI. QUALITY OF LIFE: WEALTH AND HEALTH DIFFERENCES

In large part because of pervasive racial separation in residence, education, and opportunity, minorities and white Americans experience significantly different qualities of life. As a result, individuals from different racial and ethnic backgrounds have different expectations and perspectives on some of the most fundamental aspects of day-to-day life. There are stark racial and ethnic gaps in income, wealth, poverty, and health.

African Americans, Hispanics, and Native Americans are far more likely than whites to be economically insecure. Hispanics, blacks, and American Indians are unemployed at twice the rate of whites. [58] The median household income of blacks is 62.6 percent of that of whites, Hispanics 63.9 percent of whites, and American Indians 55.6 percent of whites. [59] Minorities are also disproportionately poor. In the nation as a whole, each group has high rates of poverty (Table 11). The experience of poverty is not unfamiliar to minority children (Table 12). A large percentage of black and Hispanic children grew up poor; many more are likely to have near relatives who live in poverty. Michigan's minorities are also more likely to be living in poverty or at low economic status than their white counterparts.

The reasons for high rates of impoverishment among African Americans, Hispanics, and Native Americans are many-fold. Blacks are most likely to live in areas that have been left behind by the profound restructuring of the national and international economy: major metropolitan areas, particularly in the northeast and midwest or underdeveloped and very poor areas in the "black belt" region of the deep South. In addition, many black families are headed by women, whose income alone is often insufficient to raise families above the poverty line. [60] Residential segregation has also led to a concentration of poverty in urban areas, such as Detroit. The experience of Hispanics is more varied. Hispanics of African descent or black Hispanics are the worst off, in part as a consequence of their long subordinate status in most Latin American countries; in part because they face similar discrimination by color that affects African Americans. Many Hispanic migrants and immigrants, particularly those from Mexico, Guatemala, Colombia, Puerto Rico, and the Dominican Republic have been employed in the poorest paying, lowest status jobs in the United States, such as farm labor, household service, groundskeeping, and janitorial work. Educational deprivation and lack of language skills also limits many Hispanics' opportunities in the labor market. [61] American Indians, particularly residents of reservations, face staggeringly high rates of impoverishment, in large part because they were relegated to marginal lands, with few natural resources, that had little value for white American settlers. Among American Indians, Eskimos, and Aleuts who lived on reservations, native lands, or trust lands, poverty rates in 1990 exceeded 50 percent. [62]

The experience of poverty among large segments of the minority population is noteworthy in its own right, but it also has far-reaching consequences for many middle-class and well-to-do minorities. The most detailed research on the cross-class effects of poverty concerns middle-class blacks. The black middle class has not, by and large, been able to escape poverty to the degree that middle-class whites have. To be sure, many well-to-do blacks have attempted to move to neighborhoods or communities away from poor and working-class people. But there is little evidence that they have been able to move far from poor people or that the degree of rich-poor separation among blacks has grown. As a consequence many middle-class blacks have direct experience with poverty and its consequences. [63] Middle-class black neighborhoods in cities are often "nestled between areas that are less economically stable," meaning that poverty and its consequences are seldom distant realities in their communities. [64] In addition, middle-class blacks are very likely to live in neighborhoods with large numbers of blue-collar workers, a trend much less likely among whites. [65] The proximity to poverty has many other consequences for middle-class African Americans. Blacks of all classes are more likely to be victims of crime. As Alba, Logan, and Bellair have shown, "[e]ven the most affluent blacks are not able to escape from crime, for they reside in communities as crime-prone as those housing the poorest whites." [66]

The life experience of minorities is fundamentally different from that of whites in another crucial area: wealth. The median household net worth of blacks as of 1993 was only 9.7 percent of that of whites. Hispanics' median household net worth was only 10.2 percent of whites. The wealth gap persists at all levels of household income. The highest quintile of black households by income had only 36.5 percent the median net worth of the highest quintile of white households by income. Upper middle-class blacks and Hispanics -- those in the second highest income quintile -- had a median household net worth less than that of lower middle-class whites -- those in the second lowest income quintile. [67] Large gaps persist between blacks and whites at all levels of income, age, and education. The median net worth of blacks with college degrees is only 23 percent of the median net worth of whites with college degrees. [68] Part of the explanation for wealth differentials are that whites are more likely to own homes than either blacks or Hispanics. And the value of homes owned by blacks is significantly lower than that of whites. [69]

The difference in wealth shapes the opportunities and outlooks of blacks, Hispanics, and whites in different ways. Whereas many whites can expect financial support at crucial junctures in their lives (going to college, getting married, buying a home) and inheritances as the result of their parents' accumulated wealth, few blacks and Hispanics can expect such good fortune. Because of the white-minority wealth gap, most black and Hispanic parents cannot offer substantial subsidies and bequests to their children. Wealth differentials are not just important in terms of life chances: they also shape attitudes. Whites are far more likely to express optimism about their future economic prospects than are members of racial and ethnic minority groups. This is in part the consequence of different expectations about the job market. But differential wealth shapes different expectations about family support and future wealth accumulation. [70]

One of the most important indicators of quality of life is health. One's long-term expectations are shaped in fundamental ways by one's experience with illness, injury, and death from the care of a sick child or adult, to the economic impact of disease and disability, to the devastation of seeing a family member die, particularly in an untimely fashion. The racial and ethnic gaps in health and life expectancy are stark. The life expectancy of whites in 1995 was 76.1; for blacks, it was 69.8. The life expectancy gap between black men and white men was particularly large: white men can expect to live 73.4 years; black men can expect to live only 65.4 years. [71]

Racial gaps in health are significant throughout the life course. Blacks and Hispanics are nearly twice as likely as whites to incur a fetal loss (a stillbirth or miscarriage) during pregnancy. Blacks are nearly four times as likely as whites to have an induced abortion; Hispanics are twice as likely as non-Hispanic whites to have an induced abortion. [72] In 1994, infant mortality rates were nearly two-and-one half times as high for blacks as for whites, and fifty percent higher for American Indians. Blacks have significantly higher death rates than whites for most of the top fifteen leading causes of death in the United States (Table 13). [73]

Throughout the life course, blacks are more likely than whites to die of homicide, residential fires, drowning, and pedestrian accidents. The gap in homicide rates is enormous. Black men have a rate of death by homicide nearly nine times greater than that of white men; the homicide rate for black women is nearly six times greater than that of white women. The gap between black and white homicide death rates is greatest among young men. Homicide is the leading cause of death for black men aged 15-44. The grim reality of violence affects large segments of black America, not merely the poor. A remarkable 70 percent of blacks surveyed stated that they knew someone who had been shot in the last five years, more than double the rate of whites. 74

Next section of Sugrue Report

"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

Table 11: Percent of Families below Poverty Level by Race and Ethnicity, United States, 1960-1995

	All	White	Black	Hispanic	Amer. Inc.	Asian
1960	18.1	14.9	NA	NA	NA	NA
1970	10.1	8.0	29.5	NA	NA	NA
1980	10.3	8.0	28.9	23.2	NA	NA
1990	10.7	8.1	29.3	25.0	27.2	11.9
1995	10.8	8.5	26.4	27.0		12.4

Source: Statistical Abstract of the United States, 1997, Tables 50, 52, 744. NA means data not available.

"Sugrue" section XI
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

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Table 12: Children in Poverty, United States, 1970-1995 by Race and Hispanic Origin

	All	White	Black	Hispanic
1970	14.9	10.5	41.5	NA
1980	17.9	13.4	42.1	33.0
1990	19.9	15.1	44.2	37.7
1995	20.0	15.5	41.5	39.3

Source: Statistical Abstract of the United States, 1997, Table 737.

"Sugrue" section XI
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

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Table 13: Black/White Ratio of Age-Adjusted Death Rates for the 15 Leading Causes of Death in the United States

Heart Disease	1.48
Cancer	1.37
Cerebrovascular Diseases	1.86
Pulmonary Diseases	.81
Accidents	1.03
Pneumonia/Influenza	1.44
Diabetes mellitus	2.41
HIV	3.69
Suicide	.58
Homicide	5.97
Liver diseases	1.48
Kidney diseases	2.76
Septicemia	2.71
Atherosclerosis	1.08
Perinatal conditions	3.32

Source: National Center for Health Statistics, Vital Statistics of the United States, 1992, Vol. 2, Mortality, Part A (Washington: Public Health Service, 1996), Tables 1-6, 1-8, 1-40.

"Sugrue" section IX
"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

XII. DIVISIONS IN ATTITUDES AND PUBLIC OPINION

Public opinion researchers have long examined differences and similarities between blacks and whites. There is relatively little comparative polling data on Hispanics -- in part because of language barriers, in part because their numbers have grown substantially only in recent years. It is virtually impossible to find detailed surveys of Native Americans because of their small numbers. Surveys range widely and relatively few surveys permit systematic comparisons over time. In addition, surveys vary in the questions that they ask and in the ways that they frame issues. While there is no such thing as a fixed, inflexible "white" opinion or "black" opinion, given the variety of surveys and the range of questions asked, surveys show that large gaps divide whites and blacks on a wide range of issues and that those gaps have persisted over time.

Let us begin with common ground. There is much agreement across racial lines on general principles: democracy, striving for success, optimism about the future, an emphasis on individual initiative, and an acceptance of capitalism.[75] A majority of Americans of all races repudiate formalized, de jure racial discrimination.[76] But while common belief on general principles is noteworthy, there are wide gaps on an understanding of how those principles are translated into practice. Blacks and whites differ significantly on their analysis of what is fair, of the extent of inequality and discrimination in American life, and of the desirability of public policies across a wide spectrum.

Large and persistent gaps separate black and white views of race, discrimination, and equality. Whites see little discrimination in American life and they believe that what little they see is diminishing. Minorities, on the other hand, believe that discrimination by race persists and is hardening.[77] Large numbers of minority respondents to surveys report that they or people that they know have been affected personally by racial discrimination and claim that their race affected their hiring prospects or promotion or treatment in the workplace. A steadily rising number of whites believe that race relations have improved in the United States.[78] In 1988, 87 percent of whites believed that "in the past twenty five years, the country has moved closer to equal opportunity among the races," whereas the number of blacks who believed the same declined between the 1960s and the 1980s from between 50 and 80 percent to 20 to 45 percent.[79] In recent surveys (conducted between 1988 and 1991), whites were more likely to believe that "compared with whites," blacks had "equal or greater educational opportunity" (26-27 point difference), "equal or greater job opportunity" (27-36 point difference) and "equal or greater opportunity for promotion to supervisory or managerial jobs" (17-29 point difference).[80] As political scientist Jennifer Hochschild concludes, both blacks and whites agree on the notion of the American dream, but not on whether it has been realized. "Whites believe it works for everyone; blacks believe it works only for those not of their race. Whites are angry that blacks refuse to see the fairness and openness of the system; blacks are angry that whites refuse to see the biases and blockage of the system."[81]

Some of the best data available for the examination of questions of race and public opinion come from the National Election Studies, conducted since 1952 for every midterm and presidential election. The National Election Studies (NES) are the benchmark for quality survey research and serve as the model for many other public opinion surveys. Since 1986, the NES has paid special attention to public opinion on race and public policy. Like other surveys, the NES reveals significant racial divisions on matters of race and public policy. According to the 1986 National Election Study, more than 80 percent of blacks agreed that "one of the big problems in this country is that we don't give everyone an equal chance." Only 45 percent of whites with incomes over $15,000 agreed; 57 percent of whites with incomes less than $15,000 agreed.[82] The NES also offers evidence of wide disparities in black and white views of what constitutes proper government action. Data from the 1986, 1988, and 1992 NES showed that blacks offer high levels of support compared to whites for government social programs and government intervention in matters such as education, the economy, poverty, and housing. By large margins over whites, blacks favored programs to address discrimination in schools and the workplace.[83] Revealingly, the black-white gap grew even greater when black surveyors interviewed blacks and white interviewers interviewed whites, although the regardless of questioner, the racial gap persisted.[84]

On foreign policy issues, blacks and whites were more alike, but some noteworthy differences remained. In nearly equal numbers in the 1986-1992 NES surveys, nearly equal percentages of blacks and whites agreed about U.S. policy toward the Soviet Union (they both supported it) and U.S. involvement in Central America (about half of each group thought that the U.S. should withdraw). And similar percentages of blacks and whites (about one third of each) supported a cut in military spending. But agreement was not uniform across all foreign policy issues. Large gaps separated blacks and whites on U.S. policy toward South Africa (twice as many blacks favored sanctions against the apartheid regime as whites). And in 1992, blacks were more likely by nearly thirty points than whites to oppose U.S. involvement in the Persian Gulf. On social policies, including abortion, school prayer, and immigration restrictions black-white opinion was also relatively close.[85]

Studies of Hispanic and Asian American opinion are unfortunately fragmentary. There is nothing comparable in scale or scope to the National Election Studies that allow for a comparison of Hispanic and white and black public opinion. Most surveys are from states with large Hispanic populations such as Texas and California. While they lack the comprehensiveness and detail of black/white opinion surveys, some trends emerge from the data. Like blacks and whites, Hispanics subscribe to some of the basic beliefs in hard work, individual achievement, and the "American dream."[86] Persons of Hispanic descent tend to favor government spending and anti-discrimination efforts to a greater extent than whites but to a lesser degree than blacks. On social issues, Hispanics are often more conservative than whites or blacks. Hispanic voters, for example, tend to favor restrictions on abortion to a greater degree than either groups. And like whites, many Hispanics hold negative stereotypes of blacks.[87]

Blacks and whites diverge on many other issues, trivial and significant. One of the most notable variations involves matters of law and order and criminal justice. Blacks have long been more suspicious of the police than whites, in part a consequence of the long history of disproportionate white representation on police forces, in part a consequence of deep-rooted memories of racial injustices such as lynching and the infamous trials of the Scottsboro Boys in the 1930s and the hasty acquittals of the murderers of Emmett Till and Medgar Evars in the 1950s and 1960s. National survey data covering the period from 1973 to 1993 show that blacks are less likely than whites to approve of police use of force against suspects. The recent furor over the trial of O.J. Simpson offers evidence of the black-white gap on legal matters. In the aftermath of the Simpson trial, the Washington Post found that 85 percent of blacks and only 34 percent of whites agreed with the jury's decision.[88]

Michigan-focused research confirms many of the national trends. From the 1940s onward, a slew of survey researchers have subjected Michigan's residents to close scrutiny. One of the pioneers in survey research, Arthur Kornhauser, conducted a survey of Detroit residents in 1951 and found that only 18 percent of white respondents from all over the city expressed "favorable" views toward the "full acceptance of Negroes" and 54 percent expressed "unfavorable" attitudes toward integration.[89]

In the decades since Kornhauser's survey of Detroit residents, white attitudes towards blacks have changed significantly, at least in terms of what they tell pollsters and survey researchers. Already by the 1960s, diminishing numbers of Detroiters told researchers that they approved of Jim Crow type segregation in their city. The boundaries of what is considered acceptable expression on matters of race have changed greatly for the better in the last forty years. But if white attitudes towards minorities have changed, but there remain very deep divisions and stereotypes that have persisted despite the civil rights revolution.

In the late 1980s, political scientist and pollster Stanley Greenberg conducted polls and focus groups among suburban white Detroiters. Directing his attention to "Reagan Democrats," that is working and middle class whites who defected from the Democratic party, Greenberg found intense racial resentments. He found that in his focus groups of white voters: "Blacks constituted the explanation for their vulnerability and for almost everything that had gone wrong in their lives; not being black was what constituted being middle class; not living with blacks was what made a neighborhood a decent place to live." Blacks, in the view of the whites interviewed, were privileged members of society; whites were disadvantaged victims.[90]

Many minorities have likewise expressed deep suspicion toward whites. Surveys of Detroiters conducted in the late 1969, showed that fifty percent of blacks but only 20 percent of whites were dissatisfied with the city's police.[91] Many black elected officials in Detroit built campaigns around their constituents' suspicion of the police. In 1992, less than twenty percent of Detroit area blacks, compared to about sixty percent of Detroit area whites expressed satisfaction with their police protection. White suburbanites were most satisfied with police protection (59 percent) compared to black city residents (10-15 percent) and black suburbanites (25-45 percent).[92]

Whatever the validity of the beliefs expressed in polls and surveys, it is clear that blacks and whites have sharply divergent views about crucial issues such as the role of government, the reality of equal opportunity in crucial arenas of American life, and the effectiveness of certain social policies. This divergence is the consequence of centuries of racial division and separation in American life. The racial gap in opinion persists, even as some indicators, such as gaps in black-white family income levels and black-white high school graduation rates, are showing convergence.

Next section of Sugrue Report
"Sugrue" Table of Contents "Compelling Need . . ." Table of Contents

XIII. CONCLUSION

In an increasingly diverse country, deep divisions persist between whites, blacks, Hispanics, and American Indians. There is nothing natural about these divisions. They are not immutable facts of life. Rather they are a consequence of a troubled and still unresolved past. Much about race and ethnic relations has changed in the last half century, but it is undeniable that in many aspects of American life, separation and interracial suspicion persist. Racial and ethnic groups remain separated by residence and education. Pronounced differences by race and ethnicity persist in socio-economic status and public opinion. Racial and ethnic stereotypes are all too common. There are unfortunately few places in American society where people of different backgrounds interact, learn from each other, and struggle to understand their differences and discover their commonality. The fundamental issue that we face at the end of the twentieth century is to work to overcome our divisions in the spirit of the venerable American motto, "E Pluribus Unum." To build unity from pluralism, to recognize diversity and learn from it, to fashion a democracy of many voices, is still an unfinished project. Its success is vital to our nation's future.

Next section of Sugrue Report
"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

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"Sugrue" Table of Contents **"Compelling Need . . ." Table of Contents**

EXPERT REPORT OF ERIC FONER

Gratz, et al. v. Bollinger, et al., No. 97-75321(E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

I. Statement of Qualifications:

I am currently the DeWitt Clinton Professor of History at Columbia University. I have been a faculty member in the Columbia Department of History since 1982. Before that, I served as a Professor in the Department of History of City College and Graduate Center at City University of New York from 1973-1982. I have written extensively on issues of race in American history, with particular emphasis on the Reconstruction period. I will become the President-elect of the American Historical Association in January 1999. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.

II. Information Considered in Forming Opinions:

A selected bibliography of sources consulted is attached hereto as Appendix B.

III. Other expert testimony; compensation:

I have not testified as an expert at trial or by deposition within the preceding four years. I am being compensated at a rate of $200/hr. for my work in connection with this matter.

IV. Opinions to be expressed and the basis and reasons therefor:

Executive Summary

Race has been a crucial line of division in American society since the settlement of the American colonies in the beginning of the 17th century. It remains so today. While the American understanding of the concept of "race" has changed over time, the history of African-Americans provides a useful template for understanding the history of race relations. The black experience has affected how other racial minorities have been treated in our history, and illuminates the ways in which America's white majority has viewed racial difference.

Of the approximately 800,000 people to arrive in the American colonies between 1607 and the Revolution, approximately 300,000 were African slaves. Slavery was not a static institution. In the early colonial period, the experience of African slaves had much in common with that of white indentured servants. The rise of plantation agriculture in the South ushered in a far harsher era of slavery, and the concept of race took on a greater social significance. This entrenched form of slavery -- ultimately enshrined in the Constitution -- helped shape the identity of all Americans.

In the 19th century, the abolitionist movement argued for a purely civic understanding of American identity, insisting that genuine freedom meant civic equality. In the era of Reconstruction, American society formally embraced these principles. But this experiment in interracial democracy lasted only a little more than a decade. By the early 20th century, a new system of racial subordination had been established in the South, effectively nullifying the Fourteenth and Fifteenth Amendments, while in the North blacks were denied access to industrial employment.

In the 20th century, while both World War I and the New Deal presented opportunities to challenge the racial status quo, both experiences served only to sharpen the line of racial demarcation. During World War II, in response to Nazi tyranny, American society again embraced the language of racial equality. A period of civil rights activism followed, as black Americans once again turned to federal law and invoked the federal

Constitution as source of protection against subordination. While these decades have seen substantial progress in addressing racial inequality, the salience of race in American life remains powerful. In part because of historic memory, and in part because of current reality, race continues to affect outlook, perception, and experience.

* * * * *

Since the earliest days of colonial settlement, race has been a crucial line of division in American society. For two and a half centuries, the large majority of African-Americans were held in slavery, and even after emancipation were subjected to discrimination in every aspect of their lives. Other minority groups have suffered severe inequalities as well. Today, while the nation has made great progress in eradicating the "color line," the legacy of slavery and segregation remains alive in numerous aspects of American society.

It would be wrong, of course, to generalize too broadly about the lives of any group of Americans. As with whites, the experiences of black Americans have been shaped by region and class as well as race. Nonetheless, because of their unique historical relationship to the key institutions of American life - including the polity, economy, and judicial and educational systems - blacks by and large have had different life experiences and have developed different social attitudes and expectations than most white Americans. This results not from any inborn "racial" characteristics, but from the historical development of American society.

Scholars today frequently describe race as "socially constructed." By this they mean that rather than a timeless biological reality, race, defined as a society's racial ideas and practices, has changed dramatically over time. This report will chronicle how the meaning of "race" and the status and experience of racial minorities have evolved during the course of American history. The history of race in America is not a narrative of linear progress toward a preordained goal. Rather, it is a story of continual debates and struggles, in which rights are sometimes won and at other times taken away.

Different societies define race in different ways. In the United States, the idea of race has at various times encompassed groups (like Irish, Jewish, and Italian immigrants) who are no longer considered separate "races," but have been assimilated into the broad category of white Americans. Today, with the Hispanic and Asian-American populations growing rapidly, the familiar bipolar understanding of race in America as a matter of black and white is increasingly out of date. Nonetheless, this report of the salience of race in American history will focus primarily, although not exclusively, on the experience of African-Americans. There are compelling historical reasons for this. Not only have African-Americans suffered an exceptional degree of discrimination, beginning with two and a half centuries of racial slavery, but for historical reasons, the black condition has been and remains a unique litmus test of how fully American society lives up to its professed creed of equal rights and opportunities for all citizens. Moreover, the black experience has profoundly affected how other racial minorities have been treated in our history, and the ways in which such groups have viewed the larger society. (Thus, in the 1960s, the movement for black civil rights quickly spawned parallel movements among Asian-Americans, Hispanic-Americans, and Native Americans, all using the same political vocabulary, legal tactics, and forms of protest as the black struggle.)

When Thomas Jefferson in 1776 proclaimed mankind's inalienable right to life, liberty, and the pursuit of happiness in the Declaration of Independence, slavery was already an old institution in America. Two and a half centuries had passed since the first African-Americans set foot in Britain's mainland colonies. Before the American Revolution, slavery had existed in all the colonies, as well as in parts of the Spanish and French empires like Florida, Louisiana, and northern Mexico, subsequently absorbed into the United States. Slavery is as old as human civilization itself, but the slave system that arose in the western hemisphere differed in significant ways from what had preceded it. First, it was a plantation

65

system, in which large concentrations of slave laborers produced goods -- sugar, tobacco, rice, and later cotton -- for the world market. Second, it was a racial system, in which all black persons, slave or free, bore the stigma of bondage. Rather than a peripheral institution or minor presence, slavery was indispensable to the settlement and development of the New World. Of the approximately 12.5 million persons who crossed the Atlantic to live in the western hemisphere between 1500 and 1820, some 10 million were African slaves. Even in the colonies that became the United States, which attracted a higher percentage of free immigrants, of approximately 800,000 arrivals between 1607 and the eve of independence, over 300,000 were slaves. By the time of the Revolution, slavery dominated the social and economic order of every colony from Maryland south to Georgia, and one American in five was a black slave.

Nonetheless, slavery, and the racial systems that arose from it, were never static institutions. Early colonial slavery was far more open and indeterminate than it would later become. Slaves and white indentured servants worked together, drank together, engaged in sexual relations, and frequently ran away in interracial groups. In many ways persons of African descent were not equal to whites -- but in a society of brutal labor exploitation that affected white indentured servants as well as black slaves, slavery was one form of inequality among many and color did not have the salience it would later achieve as a line of social division.

In the southern colonies, the consolidation of plantation agriculture in the late seventeenth and early eighteenth centuries and the achievement of political dominance by the planter class inaugurated a new and far harsher era of slavery, in which avenues to freedom were effectively curtailed. Race took on far greater social significance, as planters filled the statute books with laws distinguishing between white and black and subjected free blacks to more and more onerous regulations. Indeed, even in the northern colonies, where slavery was less central to the economy, the situation of free blacks deteriorated in the eighteenth century. Throughout the colonies, "free" increasingly became a term associated only with whites.

Slaves, of course, experienced the institutions of politics and the law quite differently from white Americans. Before the law, slaves were property who had virtually no legal rights. They could be bought, sold, leased, and seized to satisfy an owner's debt, their family ties had no legal standing, and they could not leave the plantation or hold meetings without the permission of their owner. Masters had almost complete discretion in inflicting punishment, and rare was the slave who went through his or her life without experiencing a whipping. The entire system of southern justice, from the state militia and courts to slave patrols in each locality, was committed to enforcing the master's control over his human property, and no aspect of their lives, no matter how intimate, was beyond the reach of his interference.

The American Revolution threw the future of slavery into doubt. With its affirmation of freedom as a universal human right and of the new nation as an asylum of liberty for the oppressed peoples of the world, the Revolution made slavery for the first time a matter of widespread public debate and inspired hopes that the institution could be eliminated from American life. With the British offering freedom to slaves who joined the royal cause, nearly 100,000 deserted their owners. Thousands more escaped bondage by enlisting in the Revolutionary Army. In "freedom petitions"-- arguments for emancipation presented to New England's courts -- slaves claimed the rhetoric of liberty for themselves. Motivated by devotion to revolutionary ideals, a considerable number of Southern slaveholders, especially in Virginia and Maryland, voluntarily emancipated their slaves during the 1780s. By the end of the century, all the Northern states had provided for gradual emancipation. As a result, the first large communities of free African-Americans came into existence. By 1790, some 60,000 free blacks lived in the United States; by 1860 their number would increase to nearly half a million, over half of them in the slave states. In cities like Charleston and New Orleans, the free black community included numerous persons of education, wealth, and professional accomplishment -- individuals well-positioned to take the lead in black politics in the early years of Reconstruction. Most free blacks, however, were poor urban or rural laborers, who enjoyed few rights other than not being considered a form of property.

In the end, slavery not only survived the Revolution but in some ways emerged from it strengthened. Paralyzed by the conviction that the two races could not live together on a basis of equality, no Southern state took steps toward abolition. Southerners like Thomas Jefferson and James Madison, who owned slaves but hoped the institution could be abolished, coupled the idea of emancipation with the "colonization" of blacks outside the country. They could not imagine the United States as a biracial community.

Slavery, moreover, was deeply embedded in the new federal constitution (although it was not named in that document -- slaves were called "other persons," as a concession to the sensibilities of delegates who feared the word "slavery" would "contaminate the glorious fabric of American liberty"). The Constitution allowed the slave trade from Africa to continue for twenty more years, required states to return to their owners fugitives from bondage, and provided that three-fifths of the slave population be counted in allocating electoral votes and Congressmen among the states. Taken together, these measures guaranteed an increase in the slave population and gave the slave South far greater power in national life than its free population warranted.

Not only did slavery fail to wither and die as some of the founders had hoped, but the institution soon entered an era of tremendous territorial and economic expansion based on rapidly growing world demand for cotton, the raw material of the early textile industry. As the nation expanded westward, so too did slavery, giving rise to the Cotton Kingdom of the Deep South. The peopling of the Cotton Kingdom involved an immense forced migration. Hundreds of thousands of slaves were sold from the older eastern states to plantations in Mississippi, Alabama, and Louisiana, or were uprooted from their homes to accompany masters who transplanted themselves to the fertile soil of the Old Southwest. Because of its high rate of natural increase, the slave population grew apace even after the importation of enslaved Africans was barred in 1808. On the eve of the Civil War, there were nearly four million slaves in the United States, and the South had become the largest, most powerful slave society the modern world has known.

The fact that the new nation was committed to liberty yet rested, to a considerable extent, on slavery was more than an irony or contradiction. For slavery helped to shape the identity, the sense of self, of all Americans. Constituting the most impenetrable boundary of citizenship, slavery rendered blacks all but invisible to those imagining the American community itself. When Hector St. John Crevecoeur, posed his famous question, "What then is the American, this new man?," he answered: "a mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes . . . . He is either a European, or the descendant of a European." This at a time when fully one-fifth of the population (the highest proportion in our history) consisted of Africans and their descendants. The power of slavery to shape ideas about race and its connection to American identity was revealed in the Naturalization Act of 1790, which offered the first legislative definition of American nationality. With no debate, Congress restricted the process of becoming a citizen to "free white persons. For eighty years, only white immigrants could become naturalized citizens. Blacks were added in 1870, but not until the 1940s did persons of Asian origin become eligible.

The Naturalization Act suggests that by narrowing the gradations of freedom among the white population, the Revolution widened the divide between free Americans and those who remained in slavery. Race, which had long constituted one of many kinds of legal and social inequality among colonial Americans, now emerged as a convenient justification for the existence of slavery in a land ideologically committed to freedom as a natural right. By the nineteenth century, the idea of innate black inferiority, advanced by Jefferson in Notes on the State of Virginia as a "suspicion," would mature into a full-fledged ideology, central to many definitions of American nationality itself.

67

Even as white Americans' rhetoric grew ever more egalitarian in the age of Jacksonian democracy, the somewhat tentative thinking of the Revolutionary era flowered into a fully developed racist ideology, complete with "scientific" underpinnings. "Race" gained broad acceptance as the explanation for the boundaries of nationality. In the revolutionary era, only Virginia, South Carolina, and Georgia explicitly confined the vote to whites, although elsewhere, custom often made it difficult for free blacks to exercise the franchise. As late as 1800, no Northern state limited the suffrage on the basis of race. But every state that entered the Union after that year, with the single exception of Maine, restricted the right to vote to white males. And in states such as New York and Pennsylvania, the right of free blacks to vote was either narrowed or eliminated entirely. By 1860, blacks could vote on the same basis as whites only in five New England states. By 1837, a delegate to the Pennsylvania constitutional convention could describe the United States as "a political community of white persons." The rhetoric of racial exclusion suffused the political language, adopted, by the eve of the Civil War, even by the Supreme Court. In America, according to Chief Justice Roger A. Taney in the Dred Scott decision of 1857, blacks could not be citizens; they "had no rights which the white man was bound to respect." The American people, Taney argued, constituted a "political family" restricted to whites. It was a family of which blacks, free or slave, could never be a part.

If blacks, free or slave, were excluded from democracy, a defining element of American nationality, "race" also barred them from benefitting from the expanding economic opportunities unleashed by the market revolution of the nineteenth century. While the larger society celebrated social advancement, free blacks' actual experience was downward mobility. At the time of abolition, because of widespread slave ownership among eighteenth-century artisans, a considerable number of Northern blacks were skilled craft workers. By mid-century, the vast majority labored for wages in unskilled jobs and as domestic servants. Nor could free blacks take advantage of the opening of the West to improve their economic status, as so many whites were able to do. Federal law barred them from access to the public domain and four states -- Indiana, Illinois, Iowa, and Oregon -- prohibited them from entering their territory altogether. The goal of economic independence held as much appeal to blacks as white Americans. But it was almost unimaginably remote; the vast majority could only look forward to a lifetime of economic subservience.

In a country whose economic growth and territorial expansion required appropriating the land of one nonwhite group (Native Americans), exploiting the labor of another (slaves), and annexing much of a nation defined as non-white (Mexico), it was inevitable that nationhood would acquire a powerful racial dimension. During the 1840s, as the United States acquired vast new lands from Mexico and the ideology of manifest destiny reached its greatest influence, territorial expansion came to be seen as proof of the innate superiority of the "Anglo-Saxon race." "Race" in the mid-nineteenth century was an amorphous notion involving color, culture, national origin, and religion. But the idea that race, as the Democratic Review declared, was the "key" to the "history of nations" and the rise and fall of empires was widely popularized in campaign speeches, political treatises, and the writings of the era's philosophers and historians.

This focus on "race" helped to solidify a sense of national identity among the diverse groups of European origin that made up the free white population. Between 1830 and 1860 nearly five million people (more than the entire population of 1790) entered the United States, the vast majority from England and Ireland. While immigrants from England were easily absorbed, those from Ireland faced considerable hostility. Nativists contended that the Irish, ostensibly unfamiliar with American conceptions of liberty and subservient to the Roman Catholic Church, posed a threat to democratic institutions. Stereotypes similar to those directed at blacks flourished regarding the Irish as well -- childlike, indolent, and slaves of the passions, they were supposedly unsuited for republican freedom. Yet despite the reality of severe anti-Irish discrimination in jobs, housing, and education, it is remarkable how little came of demands that immigrants be barred from the political nation.

Under the Nationalization Act of 1790, they were eligible to become citizens, and the vast majority had the good fortune to arrive after white manhood suffrage had become the norm and thus were automatically accorded the right to vote. In a country where political democracy had become intrinsic to the definition of the nation itself, it is difficult to overstate the importance of the fact that white male immigrants could vote almost from the moment they disembarked in America, while blacks, whose ancestors had lived in the country for centuries (and Indians, who had been here even longer) could not.

Even as slavery spawned a racialized definition of American nationality, however, the struggle for abolition gave rise to its opposite, a purely civic understanding of American identity. The origins of the idea of an American people unbounded by race lies not with the founders, who by and large made their peace with slavery, but with the abolitionists. The antislavery crusade insisted on the "Americanness" of slaves and free blacks, and maintained that birthplace, not race, should determine who was an American. This idea of birthright citizenship, later enshrined in the Fourteenth Amendment, was a truly radical departure from the traditions of American life. "We do not admit," declared the New England Magazine in 1832, "that America is as much the country of the blacks, bound and free, as it is ours." Abolitionists insisted that it was.

Though hardly free from the racial preconceptions so prevalent in their society, white abolitionists insisted that genuine freedom meant civic equality. "While the word 'white' is on the statute-book of Massachusetts," declared abolitionist Edmund Quincy, "Massachusetts is a slave state." Against overwhelming odds, abolitionists launched legal and political battles against racial discrimination in the North, occasionally achieving victories like the end of school segregation in Massachusetts in 1855. Even more persistently than their white counterparts, black abolitionists articulated the ideals of egalitarian constitutionalism. "The real battleground between liberty and slavery," wrote black editor Samuel Cornish, "is prejudice against color."

But in the years before the Civil War, the abolitionists achieved few successes. Indeed, with the passage of the Fugitive Slave Law of 1850, several thousand Northern blacks fled to Canada. The law for the first time empowered the federal government to apprehend fugitives, and offered little protection against enslavement to Northern blacks who had been born free. The spectacle of men and women native to the United States seeking asylum in another country in order to preserve their liberty struck a discordant note in the familiar narrative of American history as a saga of freedom.

It was the Union's triumph in the Civil War that, at least in constitutional law, established equal citizenship as the birthright of all Americans, regardless of race. Racism was hardly eradicated from national life. But by 1865, declared George William Curtis, editor of Harper's Weekly, the war and emancipation had transformed a government "for white men" into one "for mankind." But more than redrawing the boundaries of citizenship, the Civil War linked the progress of emancipation and racial equality directly to the power of the federal government. Begun to preserve the old Union, the Civil War brought into being a new American nation-state, with greatly expanded powers and responsibilities. Having received their freedom through an unprecedented exercise of national power, blacks identified fully with the national state. To this day, few African-Americans share the instinctive sense among so many whites that the enjoyment of liberty requires reining in federal authority.

As during the Revolution, African-Americans appropriated the wartime rhetoric of emancipation and equality while giving these common American values their own distinctive definition. Freedom meant something quite different to men and women who had long enjoyed its blessings than to those to whom it had always been denied. For whites, freedom, no matter how defined, was a given, a birthright to be defended. For African-Americans, the experience of slavery would long shape their conception of themselves and their place in American society. Freedom, their history suggested, was something to be fought for, not an entitlement to be taken for granted.

At Gettysburg, Abraham Lincoln had spoken of a nation "conceived in liberty, and dedicated to the proposition that all men are created equal" -- an invocation of the Declaration of Independence and a recognition of the inner logic of emancipation. During the Reconstruction era that followed the Civil War, in a remarkable, if temporary reversal of political traditions, the federal government sought to identify and protect the equal rights of all Americans, regardless of race. The first statutory definition of American citizenship, the Civil Rights Act of 1866, declared all persons born in the United States (except Indians) national citizens and spelled out rights they were to enjoy equally. The Fourteenth Amendment, approved by Congress in 1866 and ratified two years later, for the first time enshrined in the Constitution the ideas of birthright citizenship and equal rights for all Americans. Soon afterward, the Fifteenth Amendment, ratified in 1870, barred the states from making race a qualification for voting. By the time Reconstruction legislation had run its course, the federal government had redefined American nationality to embody civil and political equality for African-Americans as well as whites.

It is tempting to view the expansion of citizens' rights during Reconstruction as the logical fulfillment of a vision articulated by the founding fathers but for pragmatic reasons not actually implemented when the Constitution was drafted. Yet, boundaries of exclusion had long been intrinsic to American citizenship. Reconstruction represented less a fulfillment of the Revolution's principles than a radical repudiation of the nation's actual practice for the previous seven decades. Indeed it was precisely for this reason that the era's laws and constitutional amendments aroused such bitter opposition. The underlying principles -- that the federal government possessed the power to define and protect citizens' rights, and that blacks were equal members of the body politic -- were striking departures in American law. President Andrew Johnson, who vetoed bill after bill only to see them reenacted by Congress, claimed with some justification that federal protection of blacks' civil rights, together with the broad conception of national power that lay behind it, violated "all our experience as a people." The radicalness of Reconstruction helps to explain why its vision of racial equality turned out to be unfulfilled.

The nation's first experiment in interracial democracy, Reconstruction lasted only a little more than a decade. By 1877, white supremacy had returned to the South and the federal government soon abandoned the responsibility for protecting the rights of black citizens. By the early twentieth century, a new system of racial subordination had come into being in the South. In the words of the historian Rayford Logan, blacks occupied a "separate wing" of the "edifice of national unity," and "on the pediments . . . were carved Exploitation, Disfranchisement, Segregation, Discrimination, Lynching, Contempt."

Economically, blacks continued to be excluded from the promise of the American dream. Trapped at the bottom of a stagnant regional economy, excluded from jobs in the textile factories that burgeoned in the southern piedmont, and denied access to industrial employment in the North, most blacks had few chances to improve their situation in life. Most urban black males worked as manual laborers or as personal servants in white homes. The large majority of employed black women labored as laundresses, washerwomen, and domestic workers. A rigidly segmented job market kept blacks excluded from nearly all skilled employment. Most labor unions, North and South, barred blacks from membership. The few exceptions, such as the Knights of Labor, which flourished in the 1880s, attracted a large membership of blacks eager to find allies in the struggle for economic empowerment and respect in the workplace. The Knights' demise in the 1890s left some local unions of longshoremen and mine workers with significant numbers of black and white members. But in most occupations, the few unions that existed in the South formed yet another barrier to blacks' economic advancement. In the Upper South, economic development offered some opportunities - mines, iron furnaces, and tobacco factories employed black laborers and a good number of black farmers managed to acquire land, although usually small plots of marginal fertility. In the Deep South, however, African-Americans owned a smaller percentage of the land in 1900 than they had at the end of Reconstruction.

Neither black voting nor officeholding came to an abrupt end in 1877. But beginning with Mississippi in 1890, every southern state amended its laws or constitution to disenfranchise the black population. In the process, they not only halted and reversed the long trend toward expanding political rights in the United States, but transformed Deep South states into political rotten boroughs whose representatives in Congress would long wield far greater power on the national scene than their tiny electorates warranted. Southern whites, however, did not create their new system of white supremacy alone. The effective nullification of the Fourteenth and Fifteenth Amendments occurred with the full acquiescence of the North. By 1900, the ideals of egalitarian citizenship and freedom as a universal entitlement had been repudiated. In 1898, the Supreme Court gave the green light to the disenfranchisement movement by ruling, in Williams v. Mississippi, that the suffrage provisions of the state's 1890 constitution did not violate the Fifteenth Amendment, since the new system of poll taxes and literacy tests did not "on their face discriminate between the races," even though its result was to bar virtually every black resident of the state from voting.

Along with disenfranchisement, the 1890s saw the widespread imposition of racial segregation in the South. De facto racial separation had existed in Reconstruction schools and many other institutions. But it was not until the 1890s that the United States Supreme Court, in the landmark decision in Plessy v. Ferguson, gave its approval to state laws requiring separate facilities for blacks and whites. The Plessy decision was quickly followed by laws mandating segregation in every aspect of life, from schools to hospitals, waiting rooms to toilets, drinking fountains to cemeteries. In some states, taxi drivers were forbidden by law to carry members of different races at the same time. But more than simply a form of racial separation, segregation was part of a complex system of white domination, in which each component - disenfranchisement, unequal economic status, inferior education - reinforced the others. The point was not so much to keep the races apart as to ensure that when they came into contact with each other, whether in politics, labor relations, or social life, whites held the upper hand.

Those blacks who sought to challenge the system, or who refused to accept docilely the insults and demands for demeaning behavior that were a daily feature of life, faced not only overwhelming political and legal power but also the very real threat of violent reprisal. Between 1880 and 1968, nearly 3,500 persons were lynched in the United States, the vast majority black men in the South. Some lynchings occurred secretly at night; others were advertised in advance and attracted huge audiences of onlookers.

The resurgence of racism was both cause and effect of the nation's abandonment of the Reconstruction ideal of egalitarian citizenship. Relegating blacks to the position of an economically dispossessed and politically disempowered caste fit neatly with the general pattern of racial thinking in the late nineteenth century. The retreat from egalitarian ideals went hand in hand with the resurgence of an Anglo-Saxonism that united patriotism, xenophobia, and an ethnocultural definition of nationhood in a renewed rhetoric of racial exclusiveness. Derogatory iconography depicting blacks and other "lesser&" groups as little more than savages and criminals filled the pages of popular periodicals, legitimizing and "naturalizing," the new system of political and economic inequality. Scholars like Columbia University's John W. Burgess, a founder of American political science, taught that "a black skin means membership in a race of men which has never of itself succeeded in subjecting passion to reason, and has never, therefore, created any civilization of any kind." A century later, Americans would look back on segregation as a relic of an era of crude prejudice. When installed, however, the system was justified by political, religious, and scientific leaders as a forward-looking solution to a seemingly intractable problem -- the presence of a race that posed a danger to white America and its democratic institutions.

Slowly, the boundaries of nationhood, expanded so dramatically in the aftermath of the Civil War, contracted. For example, while ruling that the Fourteenth Amendment awarded citizenship to children of Chinese immigrants born on American soil, the Supreme Court also affirmed the right of Congress to set racial restrictions on immigration, and to expel without due process foreigners who had not been naturalized (as Chinese could not be). Beginning in 1882, Congress excluded immigrants from China from entering the country altogether. Exclusion profoundly shaped the experience of Chinese-Americans, long stigmatizing them as unwanted and unassimilable, and justifying their isolation from mainstream society.

On the eve of the twentieth century, America's triumphant entry onto the world stage as an imperial power in the Spanish-American War tied nationalism ever more closely to notions of Anglo-Saxon superiority, displacing, in part, the earlier identification of the nation with democratic political institutions (or defining those institutions in a more explicitly racial manner). Having demonstrated their special aptitude for liberty and self-government on the North American continent, Anglo-Saxons would now spread these institutions and values to less fortunate peoples throughout the world. As in the South, the domination of non-white peoples by whites was part of the progress of civilization, a fulfillment, not a violation, of American freedom.

By the turn of the century, the language of "race" -- race conflict, race feeling, race problems -- had assumed a central place in American public discourse. The putative inborn capacity of one or another "races" was commonly invoked to explain everything from the standard of living of various groups of workers to the ability or inability of various peoples to participate in American democracy. Immigration, it was claimed, weakened the fiber of American society by allowing "inferior" races to outnumber the Anglo-Saxons best fitted for national and worldwide hegemony. The new immigrants, wrote economist Francis Amasa Walker in 1890, were "beaten men from beaten races, representing the worst failures in the struggle for existence."

As the economist Simon Patten noted in 1896, American society seemed to be fracturing along interpenetrating lines of class and race, as universalistic definitions of citizenship were replaced by an obsession with strictly demarcating the borders of nationality:

> Each class or section of the nation is becoming conscious of an opposition between its standards and the activities and tendencies of some less developed class. The South has its negro, the city has its slums. . . . The friends of American institutions fear the ignorant immigrant, and the workingman dislikes the Chinese. Every one is beginning to differentiate those with proper qualifications for citizenship from some other class or classes which he wishes to restrain or exclude from society.

With black disenfranchisement, Chinese exclusion, the rigid segmentation of the job market along racial and ethnic lines, and the emergence of an imperial policy toward non-white peoples overseas, the polity and economy were more thoroughly racialized at the dawn of the twentieth century than at any other point in American history.

"Race" also did much to circumscribe the reach of Progressivism, the reform movement of the early twentieth century that sought to improve democracy and bring the power of government to bear to regulate concentrations of economic power and uplift the conditions of working Americans. In some ways, the disenfranchisement of Southern blacks was a typical Progressive reform, a step, its advocates claimed, toward "upgrading" the electorate and allowing for a broader democracy among remaining voters. Women's suffrage, another reform of the Progressive era, was achieved by a constitutional amendment that left the states free to limit voting on other grounds, and thus did nothing for the vast majority of the country's black women. Progressive intellectuals, social scientists, labor reformers, and suffragists displayed a remarkable indifference to the black condition.

Walter Weyl waited until the last fifteen pages of The New Democracy to introduce the "race problem." While he acknowledged that "white democracy" was a contradiction in terms, he offered no concrete proposal for moving toward a more egalitarian standard. Some settlement house reformers tried to address the problems of the urban black poor, but few understood the innumerable disabilities under which blacks labored. Most accepted segregation as natural and equitable, assuming there should be white settlements for white neighborhoods and black settlements for black.

Theodore Roosevelt's ingrained belief in Anglo-Saxon racial destiny (he called Indians "savages" and blacks "wholly unfit for the suffrage") did nothing to lessen the Progressive intellectuals' enthusiasm for his New Nationalism. His Progressive Party convention of 1912 rejected a civil rights plank in its platform and barred contested black delegates from the South. Woodrow Wilson, a native of Virginia, could speak without irony of the South's "enuine representative government" and its exalted "standards of liberty."His administration imposed full racial segregation in Washington and hounded from office considerable numbers of black federal employees.

The status of blacks, however, was only one strand in what Progressives called the era's "race roblem." The Dictionary of Races of Peoples, published in 1911 by the U. S. Immigration Commission, listed the immigrant "races" within a hierarchy ranging from Anglo-Saxons at the top down to Hebrews, Northern Italians and, lowest of all, Southern Italians -- allegedly violent, undisciplined, and incapable of genuine assimilation. Popular best-sellers like The Passing of the Great Race, published in 1916 by Madison Grant, president of the New York Zoological Society, warned that the influx of new immigrants and the low birthrate of native white women threatened to obliterate the foundations of American civilization. If democracy could not flourish in the face of vast inequalities of economic power, neither, most Progressives believed, could it survive in a nation permanently divided along racial and ethnic lines. Somehow, the very nationalization of politics and economic life served to heighten awareness of ethnic and racial difference, and spurred demands for "Americanization" -- the conscious creation of a more homogenous national culture.

The task of Americanizing the new immigrants was taken up by public and private bodies of all kinds. No matter how coercive, Americanization programs assumed that the new immigrants (and especially their children) could adjust to the conditions of American life, embrace "American ideals," and become productive citizens, enjoying the full blessings of American freedom (as blacks, most Progressives believed, could not). Nonetheless, the linkage of Americanism and "race" helped to inspire a fundamental change in immigration policy, the implementation of a new answer to the venerable question, "who is an American?" In 1924, in a repudiation of the tradition of open entry for whites except for specifically designated classes of undesirables, Congress imposed the first sharp limits on European immigration, establishing a nationality quota system that sought to ensure that descendants of the old immigrants would forever outnumber children of the new. Although enacted by a highly conservative Congress, the 1924 immigration law reflected, among other things, the Progressive desire to improve the "quality" of democratic citizenship and employ scientific methods to rationalize public policy. In calculating the new immigration quotas, based, supposedly, on the origins of the American population in 1890, non-whites were excluded altogether - otherwise African nations would have received a far higher quota than the tiny numbers they were eventually allotted. The law also mandated the complete exclusion of Asians from the United States.

Confronted with the wholesale repudiation of the universalist definition of American nationhood, prominent black leaders took to emphasizing economic self-help and individual advancement into the middle class as an alternative to popular political agitation. Symbolizing this shift was the juxtaposition, in 1895, of the death of black abolitionist Frederick Douglass with Booker T. Washington's widely-praised speech at the Atlanta Cotton Exposition urging blacks to adjust to segregation and forego agitation for civil rights and the suffrage. The path to racial advancement, Washington asserted, lay in acquiring skills and property. In the early twentieth century, led by W. E. B. DuBois, a more militant group of black leaders joined with white reformers to found the National Association for the Advancement of Colored People, dedicated to regaining the rights supposedly guaranteed in the Reconstruction constitutional amendments. Most black leaders saw American participation in World War I as an opportunity to make real the promise of equality. The black press rallied to the war, insisting that the service of black soldiers would result in the dismantling of racial inequality. But the result produced an alienation that drove many blacks even further from the American mainstream.

The war unleashed social changes that altered the contours of American race relations. The combination of increased wartime production and the cutoff of immigration from Europe opened thousands of industrial jobs to black laborers, inspiring a massive migration from South to North. By 1920, nearly half a million blacks had left the South. Yet a series of violent confrontations that shattered cities throughout the country also exposed the vast disappointments that migrants encountered -- severely restricted employment opportunities, exclusion from unions, rigid housing segregation, and machine control of urban politics that limited the impact of the right to vote. Meanwhile, the Paris Peace Conference of 1919 sacrificed the principle of self-determination -- ostensibly the Allies' major war aim -- on the altar of imperialism, so far as the world's nonwhite peoples were concerned. Nation-states were created for Eastern Europe, but not for what Wilson's advisor Colonel Edward House called the "backward countries" of Asia and Africa.

The result was a feeling of deep betrayal that affected everyone from W. E. B. Du Bois, who had traveled to Paris to plead the cause of colonial independence, to ordinary black Americans. Du Bois was forced to conclude that Wilson had "never at any single moment meant to include in his Democracy" black Americans or the nonwhite peoples of the world. In the new black ghettoes of the North, the disappointed hopes of World War I kindled widespread support for the separatist movement launched by Marcus Garvey, a recent immigrant from Jamaica, who demanded for blacks the same internationally-recognized identity now enjoyed by Poles, Czechs, and the Irish. The massive following his movement achieved in the early 1920s offered the best testimony to the sense of betrayal the war and its aftermath kindled in black communities.

A decade later, the New Deal fundamentally changed the relationship of American citizens to the national government, and seemed to open new possibilities for challenging the racial status quo. Suffering more severely from the Depression than any other group of Americans, blacks benefitted enormously from new government programs of economic relief, even though these were often administered in blatantly discriminatory fashion. By 1936, northern blacks, who retained the right to vote, had abandoned their historic allegiance to the party of Lincoln and shifted in the ranks of the Democratic party, where they have remained ever since. Nonetheless, race profoundly shaped the New Deal, and blacks experienced its programs in ways far different from white Americans.

Roosevelt conceived of the New Deal as expanding the meaning of economic liberty by extending assistance to broad groups of needy Americans -- the unemployed, elderly, and dependent -- as a universal right of citizenship, not charity or special privilege. His goal, according to Frances Perkins, was a broadly inclusive cradle-to-grave system of social provision that guaranteed every American a measure of economic security. But as enacted, New Deal measures were far from universal. Political realities -- especially the enduring power of urban political machines in the North and black disenfranchisement in the South -- powerfully affected the drafting of legislation. The result was a two-tiered system that offered generous, nationally-established benefits to some Americans, primarily white and male, while leaving others with lesser entitlements or none at all.

The Social Security Act, the centerpiece of the New Deal "welfare state," encompassed a series of programs with divergent structures and target populations. The most generous -- old-age pensions and unemployment insurance -- provided aid automatically and without the stigma of dependency. By linking benefits to taxes paid by eligible wage workers, these programs identified assistance as a right rather than charity. But the exclusion of agricultural, domestic, and casual laborers left uncovered the large majority of the employed black population.

Social Security also included public assistance programs, notably aid to dependent children and to the impoverished elderly. These were open to all Americans, regardless of race, who met a means test. But they set benefits at extremely low levels and authorized the states to determine eligibility standards. Because recipients did not pay Social Security taxes, they soon came to bear the humiliating stigma of dependency on government handouts. The gap between the two programs widened in 1939, when wives, elderly widows, and dependent survivors of covered male workers were moved from general public relief into the Social Security system, leaving single mothers and the non-white poor to dominate what would come to be called "welfare." Social Security established the key elements of federal social policy for the next half century. And the power of the Solid South helped to mold the New Deal welfare state into an entitlement of white Americans. Black organizations strongly supported an alternative plan, introduced by Congressman Ernest Lundeen of Minnesota, for a federally-controlled system of old age, unemployment, and health benefits for all wage workers, and lobbied strenuously for a Social Security system that enabled agricultural and domestic workers to receive unemployment and old-age benefits and that established national relief standards. In the end, however, because of the "Southern veto," non-white workers were confined to the weakest, least generous, and most vulnerable wing of the new welfare state. The National Resources Planning Board presciently noted in 1942 that because of their exclusion from programs "which give aid under relatively favorable conditions," blacks were becoming disproportionately dependent on "general relief," a program widely viewed with popular "disfavor." The situation, the report concluded, seemed certain to stigmatize blacks as recipients of "welfare," and welfare as a program for minorities, thus dooming it forever to inadequate "standards of aid," and further reinforcing a powerful line of division in how black and white Americans experienced the New Deal welfare state.

Overall, the Depression and New Deal had a contradictory impact on black Americans. Although Roosevelt seems to have had little personal interest in race relations or civil rights, key members of his administration, including his wife Eleanor and Secretary of the Interior Harold Ickes, directed national attention to the injustices of segregation, disenfranchisement, and lynching. But hopes for broad changes in the nation's race system were quickly disappointed. Despite a massive lobbying campaign, a Southern filibuster prevented passage of a federal anti-lynching law. The New Deal began the process of modernizing Southern agriculture, but tenants, black and white, footed much of the bill. Tens of thousands of sharecroppers were driven off the land as a direct result of the Agricultural Adjustment Administration's policy of supporting crop prices by paying landowners to reduce cotton acreage. Landlords were supposed to share federal payments with their tenants, but many failed to do so.

Nowhere were the limits of the New Deal more evident than in the evolution of federal housing policy, which powerfully reinforced residential segregation. The Home Owners Loan Corporation and Federal Housing Administration insured millions of long-term mortgages issued by private banks. At the same time, the federal government itself constructed thousands of units of low-rent housing. Thanks to the FHA and, later, the Veterans' Administration, home ownership was brought within the economic reach of tens of millions of families.

Like Social Security, however, housing policy was put into practice by local officials, who established a two-tiered system that reinforced existing racial boundaries. (In Texas, some communities financed three sets of housing projects -- for whites, blacks, and Mexicans.) The FHA, moreover, had no hesitation about insuring, and sometimes insisted upon, mortgages with racially restrictive covenants, and resolutely refused to channel money into any but segregated neighborhoods. It declared entire areas, mostly in central cities, ineligible for loans. In some cases, the presence of a single black family on a block led the agency to declare the entire block off-limits for federal mortgage insurance. Along with discriminatory practices by private banks and real estate companie, federal policy was a major factor in institutionalizing housing segregation in America. Today, white Americans recall the New Deal as a time when the government took energetic steps to combat the economic ills of unemployment and homelessness. To blacks, it is also a time that reveals the persistent hold of racial inequality on public policy.

It was not so much the New Deal as World War II that, for the first time since Reconstruction challenged the hold of racial thinking and policy on national life. The struggle against Nazi tyranny and its theory of a master race gave new emphasis to the civic definition of American nationality and discredited ethnic and racial inequality. In public and private pronouncements, a pluralist vision of American society now became part of official rhetoric. Racism was the enemy's philosophy; Americanism rested on toleration of diversity and equality for all. By the end of the war, the new immigrant groups had been fully accepted as ethnic Americans, rather than members of distinct and inferior "races." And the contradiction between the putative American Creed and the actual status of blacks had come to the forefront of national life.

During World War II, government and private agencies avidly promoted group equality as the definition of Americanism. Officials rewrote history to establish racial and ethnic tolerance as the American way. To be an American, declared the president, had always been a "matter of mind and heart," and "never . . . a matter of race or ancestry" -- a statement more effective in mobilizing support for the war than in accurately describing the nation's past. Horrified by the uses to which the Nazis put the idea of inborn racial difference, physical and social scientists retreated wholesale from the idea of race, only recently central to their disciplines. The writings of Franz Boas, Ruth Benedict, and other anthropologists critical of the link between race, culture, and intelligence, now for the first time reached a mass audience. Benedict's Races and Racism, published in 1942, described racism as "a travesty of scientific knowledge."

Of course, the internment of tens of thousands of citizens of Japanese descent during the war belied the new spirit of racial accommodation. So too did the persistence of segregation (even in Washington D. C. and in the army), disenfranchisement, and lynching. The wide disparities between wartime ideology and the actual condition of black Americans helped to spawn a renewed movement for equality. Angered by the almost complete exclusion of African-Americans from employment in the rapidly-expanding war production industries (of 100,000 aircraft workers in 1940, fewer than 300 were black), labor leader A. Philip Randolph in July 1941 called for a March on Washington to demand not only defense jobs but an end to segregation in government departments and the armed forces. Hurling Roosevelt's rhetoric back at the president, Randolph declared racial discrimination "undemocratic, un-American, and pro-Hitler." To persuade Randolph to call off the march, Roosevelt issued an executive order banning discrimination in defense employment and establishing a Fair Employment Practices Commission to monitor compliance. Essentially an investigative agency, the FEPC had few enforcement powers. But its very existence marked a significant shift in public policy, and its hearings exposed patterns of racial exclusion so ingrained that firms at first freely admitted that their want-ads asked for "colored" applicants for porters and janitors, and "white" ones for skilled manufacturing jobs, or that they allowed black women to work only as laundresses and cooks. The FEPC played an important role in obtaining jobs for black workers in industrial plants and shipyards, an enormous step forward for migrants from the rural South. By 1944, over one million blacks held manufacturing jobs, 300,000 of them women.

During the war, a broad political coalition centered on the left but reaching well beyond it called for an end to racial inequality in America. The NAACP and American

Jewish Congress cooperated closely in denouncing racial and religious intolerance and advocating laws to outlaw discrimination in employment and housing. Despite considerable resistance from rank and file white workers, CIO unions made significant efforts to organize black workers and win them access to skilled positions. A racial job ceiling persisted in most industrial plants, and AFL craft unions by and large continued their long tradition of excluding black workers. But during the war, the CIO was probably more racially integrated than any labor organization since the Knights of Labor.

Nonetheless, the black migrants who poured out of the South into the industrial heartland encountered hostility, sometimes violent, from white residents in the North and West. Detroit in June 1943 experienced a race riot that left 34 persons dead and a "hate strike" of 20,000 auto workers protesting the upgrading of black workers in a plant manufacturing aircraft engines. In the same year, the Zoot Suit riots, in which club-wielding soldiers, sailors, and policemen attacked Mexican-American youths on the streets of Los Angeles, also illustrated the limits of the wartime commitment to pluralism and tolerance. In February 1942, the Pittsburgh Courier coined the phrase that came to epitomize black attitudes during the war -- the "double-V." Victory over Germany and Japan, it insisted, must be accompanied by victory over segregation at home. While most of the white press supported the war as an expression of American ideals, black newspapers persistently pointed to the gap between those ideals and reality. Surveying wartime public opinion, political scientist Horace Gosnell concluded that "symbols of national solidarity" had very different meanings to white and black Americans. To blacks, freedom from fear meant, among other things, an end to lynching; freedom from want included an end to "discrimination in getting jobs.""Our fight for freedom," said a black veteran returning from Pacific combat, "begins when we get to San Francisco."

The civil rights impulse inspired by the war flowed over into the postwar world. It was especially evident in President Truman's decision to make civil rights a major plank in the Democratic platform of 1948, prompting delegates from several southern states to walk out of the gathering. But as the Cold War deepened, criticism of American society became increasingly suspect. Aside from the integration of the armed forces, ordered by the President in 1948, little came of the Truman administration's civil rights flurry. Time would reveal that the waning of the civil rights impulse was only temporary. But it came at a crucial historical juncture, just as the greatest housing and employment boom in American history was reconfiguring the society, opening vast new opportunities for whites while leaving blacks locked in the rural South or the decaying urban ghettoes of the North. Indeed, during the postwar suburban boom, federal agencies continued to insure mortgages with racially-restrictive provisions, thereby financing housing segregation. Even after the Supreme Court in 1948 declared such covenants unenforceable, banks and private developers continued to bar nonwhites from the suburbs and federal lending agencies refused to subsidize mortgages for blacks except in segregated enclaves. The vast new communities built by developer William Levitt, which epitomized the suburban revolution, refused to allow blacks to rent or purchase homes. In 1957, not a single black family resided among the 60,000 inhabitants of Levittown, Pennsylvania. Meanwhile, under the slogan of "urban renewal," cities used their power of eminent domain to remove the poor from urban areas slated for redevelopment, frequently replacing them with all-white middle-income complexes like New York's Stuyvesant Town, which opened in 1947 and only agreed to admit a handful of black families as tenants after years of protests and lawsuits.

With black migration from the rural South to the urban North reaching unprecedented levels (three million blacks moved from South to North between 1940 to 1960, followed by another 1.4 million in the following decade), the process of racial exclusion became self-reinforcing and self-justifying. As industrial jobs fled the central cities of the industrial heartland for suburbs and the South -- a process soon to be known as deindustrialization -- more and more poor blacks remained trapped in urban ghettoes, associated in the white mind with crime and welfare. Suburbanites, for whom the home served not only as an emblem of freedom but also as the family's major accumulation of capital, became increasingly fearful that any nonwhite influx would lower the quality of life and destroy property values. Suburban home ownership long remained a white entitlement, with the ability of nonwhites to rent or purchase a home where they desired overridden by the potent mixture of private property, the right to privacy, and "freedom of association." Thus, even as the old divisions between white ethnic Americans faded in the suburban melting pot and a black movement arose in the South to challenge institutionalized segregation, racial barriers in housing and therefore in public education and jobs were being reinforced. Despite pervasive Cold War rhetoric, to many black Americans the boundary between the "free" and "unfree" worlds seemed to run along the color line, not the Iron Curtain. Speaking of the street that marked the entrance to an all-white Los Angeles neighborhood, a black resident of the city later recalled, "we used to say that Alameda was the Berlin Wall."

On December 1, 1955, Rosa Parks, a veteran of civil rights activities in Montgomery, Alabama, was arrested for refusing to surrender her seat on a city bus to a white rider, as required by municipal law. The incident sparked a year-long bus boycott, the beginning of the greatest mass movement in modern American history. The movement found in the black church the organizing power for a militant, nonviolent, assault on the edifice of segregation. Then, beginning with the sit-ins of 1960, college students, black and white, propelled the struggle to a new level of mass activism and civil disobedience. Within a decade, the civil rights revolution had overturned the edifice of de jure segregation and won the ballot for black citizens in the South.

Although they had been "treated in a way that makes mockry of our belief in liberty," commented a white faculty member at a black college in Tennessee, African-Americans believed "wholeheartedly" in the ideal of constitutional equality. The movement invoked the unfulfilled promises of the Declaration of Independence, Emancipation Proclamation, and Fourteenth Amendment to demand that the nation live up to the letter of the law and to its professed values.

It was in the soaring oratory of Martin Luther King, Jr., who more than any single individual came to lead and symbolize the movement, that the protestors' many goals and aspirations were forged into a coherent whole. A master at appealing to the conscience of white America without appearing to be dangerous or threatening, King presented the case for black rights in a vocabulary that bridged the gap between the races and fused the black experience with that of the nation. Suffused with Christian themes derived from his family background and training in the black church, King's speeches resonated deeply in the broader culture. Central to his theology was the story of Exodus, a mainstay of black preaching that interpreted the African-American experience as a divinely-guided progress toward Canaan, the promised land of freedom. Among other things, Exodus suggested that individual rights and group empowerment were interdependent and reinforcing, a point King drove home when he proclaimed, "we as a people will get to the promised land."

At a time when Cold War ideology had highlighted the danger to liberty from excessive government and made respect for the distinction between "civil society" and the realm of politics a cornerstone of liberal thinking, civil rights activists resurrected the vision of federal authority as the custodian of citizens' rights. Despite the long history of federal complicity in segregation, blacks' historical experience suggested that they had more hope for justice from national power than from local governments or the voluntary acquiescence of well-meaning whites. This conviction was reinforced not only by Southern resistance to integration, but by the failure of Northern states to enforce the fair employment laws that had been enacted in the aftermath of World War II. Liberal opinion of the time strongly emphasized the importance of insulating "civil society" from governmental interference. Blacks understood that the institutions of civil society -- businesses, unions, homeowners' associations, private clubs, and the like -- were often riddled with racism, which only federal power could eradicate. The movement reinforced the longstanding tradition that saw black Americans rely much more strongly on an activist national state than most white citizens.

In the 1960s, the movement's growing militancy and the violent resistance it encountered created a national crisis that propelled a reluctant federal government to champion the cause of black freedom. By June 1963, with demonstrations sweeping the country (in one week, over 15,000 Americans were arrested in 186 cities) and the violence unleashed against black protesters in Birmingham attracting worldwide attention, president John F. Kennedy went on television to announce that the nation confronted a "moral crisis." Two years later, the crisis in Selma -- where voting rights marchers were assaulted by the Alabama state police -- led Kennedy's successor, Lyndon B. Johnson, to demand legislation securing the right to vote. Appealing to "the outraged conscience of the nation," Johnson closed his speech by quoting the demonstrators' favorite song, "We Shall Overcome." Never before had the movement received so sweeping or powerful an endorsement from the federal government.

By 1965, with court orders having dismantled legal segregation and new federal laws prohibiting discrimination in public accommodations, employment, and voting, the movement had succeeded in eradicating the legal bases of second-class citizenship. In the same year, inspired in part by the conviction that racism should no longer serve as a basis of national policy, the Hart-Cellar Act abandoned the national origins quota system, substituting "family reunification" and job skills as new, non-racial, criteria for immigration. Taken together, the civil rights revolution and immigration reform marked the triumph of a pluralist, civic definition of Americanism. By 1976, a public opinion survey reported that eighty-five percent of respondents agreed with the statement: "the United States was meant to be ... a country made up of many races, religions, and nationalities."

Yet even at its moment of triumph, the civil rights movement confronted a crisis as it sought to move from access to schools, public accommodations, and the voting booth to the intractable economic divide separating blacks from other Americans. In its first decade, civil rights activity had not entirely ignored the economic dimensions of the black condition: expanded employment opportunity was one part of the "treaty" that ended the Birmingham crisis of 1963, and "Jobs and Freedom" the slogan of that year's March on Washington. But the issue had been muted, partly because of the pressing need to challenge the legal and political dimensions of black inequality, and partly because the Cold War had severed the civil rights movement from left-wing groups that linked the black condition to a broad critique of economic inequality. Even as the struggle achieved its greatest successes, however, violent outbreaks in black ghettoes outside the South -- Harlem in 1964, Watts in 1965 (just a few days after Johnson signed the Voting Rights Act), other cities in ensuing years -- drew attention to the fact that racial justice was a national, not Southern problem, and to the inequalities in employment, education, and housing that the dismantling of legal segregation left intact.

In the mid-1960s, with black unemployment two and a half times that of whites and average black family income little more than half the white norm, economic issues rose to the forefront of the civil rights agenda. In 1964, King called for a "Bill of Rights for the Disadvantaged" to mobilize the nation's resources to abolish the scourge of economic deprivation. His proposal was directed against poverty in general, but King also insisted that after "doing something special against the Negro for hundreds of years," the United States had an obligation to "do something special for him now."

In 1966, King launched the Chicago Freedom Movement, with demands quite different from its predecessors in the South -- upgrading black employment, ending discrimination by employers and unions, equal treatment in granting mortgages, and the construction of low-income housing scattered throughout the region. His aim was nothing less than to make Chicago an "open city." Encountering the entrenched power of Major Richard J. Daley's Democratic machine and the ferocious opposition of white homeowners, the movement failed. Southern tactics -- marches, sit-ins, mass arrests -- proved ineffective in the face of the less overt but no less pervasive structures of racial inequality in the North.

And the violent reactions of white residents of Chicago's ethnic enclaves stunned King. By 1967, when he composed his last book, Where Do We Go From Here?, the optimism that had sustained him during the southern phase of the movement had faded. Open housing and equal employment opportunity remained "a distant dream," he wrote, and radical economic reforms -- full employment, a guaranteed annual income, "structural changes" in capitalism itself -- were necessary to bring blacks fully into the social mainstream.

Even before these disappointments, the fiery orator Malcolm X had drawn on the nationalist tradition of Marcus Garvey to repudiate the integrationist ideal and insist that blacks must control the political and economic resources of their own communities and rely on their own efforts, not alliances with whites or federal assistance, to achieve full emancipation. After his death in 1965, his powerful language struck a chord among younger civil rights activists. More than any other individual, Malcolm X was the intellectual father of Black Power, a slogan that first came to national attention in 1966 when SNCC leader Stokely Carmichael and other young blacks employed it during a civil rights march in Mississippi. To King, Black Power was a "cry of disappointment, certain to alienate whites." In terms of specific content, the term was hopelessly imprecise. Black Power suggested everything from the election of more black officials (hardly a radical idea, given the long history of ethnic politics in the United States) to the belief that black Americans were a colonized people, analogous to inhabitants of the Third World, whose freedom could only be won through a revolutionary struggle for self-determination. But however employed, the slogan's prominence marked a subtle shift in the goals of the movement, identifying it less with integration into the American mainstream than with group self-determination. Black Power helped to inspire similar movements among other racial minorities, including Native Americans and Chicanos, and a renewed emphasis on ethnic identity among third-generation whites.

Although the remarkable victories of the early 1960s were soon followed by a period of frustration, the black movement succeeded in placing the question of economic equality back on the nation's political agenda. Having swept to a landslide election victory in 1964 that shattered the conservative stranglehold on Congress, Lyndon Johnson not only presided over the legislative triumphs of the civil rights era -- the Civil Rights Act of 1964, Voting Rights Act of 1965 and the Fair Housing Act of 1968 -- but launched the most far-reaching domestic agenda since the New Deal. Johnson's Great Society programs provided health services to the poor and elderly (in the new Medicaid and Medicare programs) and poured federal funds into education and housing. The government's reach was felt through new agencies such as the Environmental Protection Agency and Equal Employment Opportunities Commission (the latter a fulfillment, under a new name, of the postwar campaign for a permanent FEPC). Taken together, these measures went far toward creating for the first time an "equal-opportunity welfare state" that brought under its wing those excluded from New Deal entitlements, especially blacks and working women.

Johnson's Great Society represented a remarkable reaffirmation of the ideas of social citizenship and racial equality, the most expansive effort in the nation's history to mobilize the powers of the national government to address the needs of the least advantaged Americans. His War on Poverty succeeded in greatly reducing the incidence of poverty, all but wiping it out among the elderly. But the sums expended (a total of a few billion dollars) were far too low to achieve the utopian goal of ending poverty altogether or the more immediate task of transforming the conditions of life in impoverished urban neighborhoods. Together with the civil rights movement itself, government action opened doors of opportunity for black Americans, spurring an enormous expansion of the black middle class. But millions of African-Americans remained trapped in poverty. By the 1990s, the historic gaps between white and black in education, income, and access to skilled employment had narrowed considerably. But the median wealth of white households remained quadruple that of blacks, unemployment was far lower, and nearly a quarter of all black children lived in poverty.

The election of 1968, moreover, marked the inauguration of a long period of more conservative policies in Washington, during which civil rights issues faded slowly from the national agenda. Well before the rise of black power, indeed, a backlash against black civil rights offered conservatives new opportunities and threatened the stability of the Democratic coalition. Increasingly, explicitly racist language disappeared from political discourse. But there could be no denying that the conservative litany of law and order, local autonomy, "freedom of association," the evils of welfare, and the sanctity of property often had strong racial overtones. The surprisingly strong showing in the 1964 Democratic primaries of George Wallace, who as governor of Alabama had won national notoriety with his cry, "segregation now, segregation tomorrow, segregation forever" indicated that politicians could gain votes by appealing to white uneasiness with civil rights gains, an uneasiness by no means confined to the South. The same year witnessed the passage by popular referendum of California's Proposition 14, which repealed a 1963 law banning racial discrimination in the sale of real estate. Although Lyndon Johnson swept to victory in California, Proposition 14 received a considerable majority, winning three of four votes among whites.

The California housing battle presaged subsequent conflicts -- over court-ordered busing to achieve school integration in Boston, for example -- in which racism, concern for neighborhood stability, and fear of crime fused to create a fertile ground for attacks on the activist liberal state among previously Democratic ethnic working-class voters. The often crude epithets hurled against blacks by opponents of busing and open housing in South Boston, New York's Canarsie, and other such neighborhoods helped to consolidate the image of the blue-collar ethnic as a retrograde racist. But affluent suburbanites who had learned to discard such language were no less determined to keep their neighborhoods lily-white, as the California referendum showed.

As the nation approaches the end of the twentieth century, what is remarkable is how much its racial situation has changed, and how much remains the same. Thanks in large measure to a generation of affirmative action policies by public and private institutions, not only has the traditional color line been dismantled, but in every realm of American life, from sports and entertainment to universities, corporate boardrooms, and the military, an unprecedented racial diversity has been achieved and nonwhites play roles inconceivable only a few decades ago. The right to vote has been guaranteed and blacks cast ballots throughout the country in about the same proportion as whites. Nonetheless, progress in many areas remains decidedly mixed. Far more blacks live in suburbs than ever before, but predominantly in largely black suburban communities -- most suburbs remain almost exclusively white, and as a result, schools in communities throughout the nation remain effectively segregated by race. The black middle class has grown enormously, but so too has an "underclass" trapped in urban poverty. The gap in income, job categories, and education between white and black families has narrowed significantly since 1940 or 1960, but the median wealth of black families remains far below that of white counterparts, black unemployment remains, as it has historically been, double that of whites, and poverty is far more widespread among nonwhites than whites. In life expectancy and health, the gap between the races remains enormous.

The nation's long history of unequal treatment of racial minorities, embedded in our present in these statistical indices of difference in status, have also produced profound differences in outlook. On issues ranging from the proper role of the federal government to economic policy, the equity of the criminal justice system, and even the current problems of President Clinton, public opinion polls consistently reveal an enormous difference between black and white attitudes. Most striking of all are different perceptions of race itself as a salient feature of modern American society. Most whites tend to think that race has only a minor impact on the daily experiences and future expectations of Americans whatever their background, and that blacks receive the same treatment as themselves from individuals and institutions of authority. Most nonwhites feel that race still matters a great deal, and considerable numbers report having experienced discriminatory treatment in shops and restaurants, or in encounters with the police. These differences in outlook and perception are not the result of inborn "racial" traits, but stem from the distinct historical experiences of white and nonwhite Americans. As long as the historic memory and current reality of racial inequality remain alive, so too will profound differences in how black and white Americans understand the nation's past, present, and future.

Table of Contents

EXPERT REPORT OF ALBERT M. CAMARILLO

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

1. My name is Albert M. Camarillo. I am Professor of History and Director of the Center for Comparative Studies in Race and Ethnicity at Stanford University. I have been a member of the faculty at Stanford University since 1975.

2. I received my A.B. degree and Ph.D. degree from the University of California at Los Angeles in 1970 and 1975 respectively. A detailed record of my professional qualifications and scholarly achievements is set forth in the attached curriculum vitae, including a list of publications, awards, research grants, and professional activities.

3. I have authored and co-edited six books, published three research bibliographies, and have written over a dozen articles and essays dealing with the historical and contemporary status of Mexican Americans and Hispanic Americans in general. My current book manuscript (to be published by Oxford University Press) compares the urban histories of European and Asian immigrants, African Americans, and Mexican Americans from 1850 to 1950. My research explores how various institutions and prevailing attitudes in American society over time have created barriers to the inclusion of ethnic and racial minorities into mainstream society. Much of my work has documented how Hispanic Americans and other racial minorities -- particularly African Americans -- experienced residential, educational, and labor market isolation as they settled in cities throughout the nation since the mid-nineteenth century.

4. I have not testified as an expert witness in the preceding four years. I am being compensated at a rate of $200 per hour for my work in connection with this case.

5. At the request of attorneys with Wilmer, Cutler & Pickering, I have prepared this report which outlines the historical patterns and legacies of racial isolation and separation of Hispanics in American society. My research is based on archival collections, syntheses of secondary literature, and other primary sources such as U.S. government reports including Bureau of the Census population reports. Based on my knowledge and research, this report outlines the historical developments that resulted in patterns of racial exclusion and isolation of Hispanics in the states and cities where they have settled since 1900. In prticular, this report will discuss how residential, educational and occupational isolation of Hispanic Americans developed in the century after the first group of Hispanics - Mexican Americans - were incorporated into the United States in 1848.

6. By 2005, according to U.S. Census Bureau projections, Hispanics will become the nation's largest minority group, a development that reflects the rapid population growth of this diverse sector of American society in recent decades (*Current Population Reports*, February 1996). Composed of many national origin groups -- Mexican, Puerto Rican, Cuban, Central and South American, and Caribbean-origin people -- the contemporary status of Hispanics, especially for the two largest subgroups (Mexican-origin and Puerto Rican-origin people), cannot be properly understood without consideration of significant historical legacies in the U.S. which continue to deeply influence their social, political, economic, and educational profiles. Over the past twenty-five years, a growing volume of scholarly literature has documented extensively the historical contours of the experiences of Mexican Americans in the states of the Southwest and Midwest and Puerto Ricans throughout the United States mainland (Gutierrez 1993; Bonilla 1998). This report will focus on the historical experiences of Mexican Americans and Puerto Ricans as illustrations of the broader Hispanic experience in American society. Although the individual group experiences may vary to some degree, these historical experiences have a shared context that link Hispanics in a common community.

7. The history of racial and ethnic minorities was born of ideas about group

differences. Since the initial contact of Europeans with native societies in the New World, ideas held by whites about non-whites resulted in the categorization of "racial" differences which typically dichotomized people into a hierarchical order ranging from superior to inferior, from dominant to subordinate, and from civilized to savage. These and other developing ideas about racial differences in colonial America and elsewhere were codified in laws and statutes that largely determined the status of racial minorities as groups which occupied the lowest rungs of the socioeconomic ladder in society. These ideas, which set whites apart from non-whites, were institutionalized in a set of social, cultural, and political norms which, over time, help explain not only why American Indians were pushed off their native lands and increasingly forced to live on government-regulated reservations, but why African Americans were subjected to an institution of slavery and a long history of systematic exclusion from opportunities in American society. Though the ideas of the so-called "scientific racism" school of thought from the nineteenth and early twentieth centuries have been thoroughly debunked by scientists and social scientists in the second half of the twentieth century, the historical legacies of ideas about racial differences -which served to isolate, separate, and discriminate against "racialized" minorities in the United States -- deeply affected the status of many groups in addition to American Indians and African Americans. Immigrants from Asia and Europe also fell victim to ideas which labeled them as racially or culturally different. This was also the case historically for the nation's soon-to-be largest minority group -- Hispanics.

8. The identification of group difference spawned a set of attitudes and behaviors which tainted relations among the majority population and those they viewed as "different." How a person or a group of people were categorized or classified was a powerful determinant of one's status. Relations between various groups of people were based on ideas, assumptions, preconceptions and misconceptions, stereotypes, notions, attitudes, sentiments, and other thoughts about how people were different. These constitute what I refer to as American ideologies about "group differentness." [The word "differentness" is used here instead of "differences" because ideologies about variations among groups were not merely descriptions about cultural, linguistic, national-origin, ethnic, or perceived racial differences. "Differentness" connotes an ascription, a value about the quality of being different.]

Never static, and always influenced by multiple factors, these ideologies changed, sometimes drastically and sometimes imperceptibly. In many cases, national influences affected these ideologies (e.g., political party agendas, economic cycles of boom and bust, and international warfare and diplomacy). In other cases, regional and local influences were more pervasive: regional economies, local labor markets, demographic concentrations of particular groups of people in particular areas of cities or states, and proximity to international borders. Historical legacies, of course, gave form and substance to ideologies about group differentness.

Among the many international, national, and regional factors which have continuously shaped Americans' conceptions of other Americans, none stand out more conspicuously in the nation's past than ideas about racial and ethnic differences. But to label the attitudes and the resulting ideologies as "racial" and "ethnic" is to miss much of the context. Americans and their European counterparts elsewhere were surely attuned to differences they observed or ascribed to groups who were different phenotypically -- especially if they were non-white -- but much more was involved. In addition to skin color, cultural (i.e., the ways in which people conduct their lives), political, religious, and economic/social class differences were all part of a complex set of factors which influenced the minds of Americans about group "differentness" in an increasingly diverse society.

Prevailing attitudes about ethnic-immigrant and racial minority group differentness often constituted a widely adopted, though changing set of ideas and beliefs among the majority population. These shifting ideas -- buffeted by the winds of scientific and pseudoscientific knowledge and influenced by American conceptions of national identity and citizenship in the nineteenth and twentieth centuries -- formed the core of what we can usefully refer to as "ideologies." As was so often the case, these ideologies about group differentness in the U.S. equated being different to being inferior. And, these conceptions of inferiority and superiority typically played a role in justifying or rationalizing a different behavior toward and treatment of racial and ethnic minorities and other groups deemed by the majority as different. The resulting denial of many basic rights, privileges, and opportunities for large segments of the American public created life experiences vastly different from those of the majority.

Ideologies about group differentness obviously had enormous bearing on social interactions among and between groups. However, as these ideologies were institutionalized through laws and public policies, as well as through other less formal practices and customs, they did more than set the contexts for social relations -- they could largely determine the status of entire groups of people in American society. Institutional policies often codified and legitimated social practices based on racial/ethnic, gender, cultural, and social class differences. The result was a set of statutes, laws, and public policies which separated and dichotomized American people: men v. women, white v. non-white, citizen v. alien, voters v. disenfranchised, workers v. employers.

People of color and immigrants were affected negatively -- and some systematically -- by political, legal, educational, law enforcement, and other institutions in American society. From local elections to state anti-miscegenation laws to federal legislation restricting immigration of certain races and ethnicities, institutional policies established a system of disadvantageousness ranging from constraints and hurdles to impregnable barriers in people's lives. Opportunities for social, economic, educational, and political advancement were at stake. Exclusion from or marginalization within society, more often than not, was the by-product.

In addition to "formal" institutions and policies, the political-economies of regions and localities served as "informal" institutions which shaped the lives of working people. In combination with dominant political institutions, political-economics -- especially through the development of local and regional labor markets -- helped determine why certain groups of Americans remained mired at the bottom of the occupational hierarchy while others could set their sights on better employment opportunities for themselves or for their children. Labor markets were also greatly influenced by the popular attitudes and ideologies regarding racial and ethnic/immigrant minorities and their respective "places" as workers in the economy. Where people lived, the types of jobs they held, the quality of their lives and expectations for the future were dependent on their relationships to the informal and formal institutions of the nation. For people categorized as "different," institutions in nineteenth and twentieth-century America exerted powerful forces which defined and reinforced group status. These developing and changing ideologies about "group differentness" provide a lens through which to view the history of Hispanics -- particularly Mexican Americans and Puerto Ricans -- in the United States.

9. Among the many historical benchmarks that have influenced the course of history for Mexican Americans and Puerto Ricans, two dates stand out with particular importance: 1848 and 1898. The war with Mexico and the Spanish-American War, respectively, set the stage for the incorporation of Spanish-speaking peoples from Mexico, Puerto Rico, and Cuba into the U.S. and, at the same time, established a set of economic, political, and social conditions which resulted in Hispanics emerging as yet another "racialized" minority in nineteenth-century America. For Mexican Americans, the Treaty of Guadalupe Hidalgo, which ended the war between the U.S. and Mexico in 1848, resulted in the annexation of Mexico's northern-most states and the incorporation of a new regional minority, Mexican Americans, into the American territories and states of the new Southwest (Camarillo, 1993; Griswold del Castillo, 1990).

10. Americans took control of a vast territory in the period that began with the Texas

85

Revolution of 1836, saw the Bear Flag Revolt a decade later in California, and culminated in the cession of nearly half of Mexico's national domain to the U.S. in the wake of the Mexican War. Americans quickly established their social and cultural institutions, their political and judicial systems, and their commercial capitalism in the region. The ramifications of this societal change -- which was uneven in its effects, depending on locality, on the growth of the American population, and on one's social class -- were, in the end, catastrophic for the former Mexican citizens who became the first "Mexican Americans." The borderland societies of the Republic of Mexico (before 1821 the Spanish colonial borderlands were concentrated in New Mexico but included settlements from Texas to California) were largely self-sufficient communities only tenuously connected to the core of Mexico by the time the Americans began to travel and settle in the region. By the 1820s and 1830s, specially in Texas, large numbers of American settlers -- some welcomed and authorized to establish colonies on Mexican soil but a larger number considered to be "illegal aliens" -- were not content to live under the flag of Mexico. Though cultural differences between Mexican and American settlers were certainly to blame in part for increasing tension, even more important were the institutional and economic considerations which eventually led the Anglo Texans -- and some Mexicans -- to rebel against the authority of Mexico and proclaim the independent Republic of Texas. Texas represented the vanguard of American interests in the region, and the Texas Revolution portended the fate of the Mexican settlements throughout the borderlands in the 1840s (Weber, 1982; Montejano, 1986).

The attitudes that many if not most Americans held toward Mexican Texans and their cousins elsewhere in the region have been thoroughly documented by various historians. For example, David J. Weber, in his important work on the Spanish-Mexican borderlands and the origins of anti-Mexican stereotypes, described succinctly the views that bred hatred and violence between the two peoples during the early decades of the nineteenth century. Mexicans were considered, he wrote, "bigoted, greedy, tyrannical, fanatical, treacherous and lazy" (Weber, 1979). These characterizations of the inhabitants of Mexico congealed especially during the decades following Mexico's independence from Spain in 1821, as more and more American travelers, adventurers, trappers, and traders ventured into northern Mexico. Here they encountered, for the first time on a regular basis, the frontier inhabitants of a nation for which they held many negative attitudes. Manifest Destiny and the designs among those who envisioned the westward march of the growing U.S. empire across the continent helped to redefine Mexico and Mexicans in the minds of Americans. Several scholars have written on the subject of American attitudes toward Mexicans during the mid-nineteenth century and these studies, taken together, illuminate the evolution of a set of ideas that justified the actions of the U.S. against Mexico and that supported the belief in the inferiority of Mexicans as a race. By the third decade of the nineteenth century, American attitudes toward Mexico and its people began to constitute an ideology, one that helps us understand not only why Americans revolted in Texas, but to understand how this changing ideology largely determined the status of Mexican Americans in the new Southwest and, later, throughout the nation (De Leon, 1993).

Cecil Robinson, in his pioneering study of Americans who recorded their travels, explorations, and experiences in the region of northern Mexico, analyzed hundreds of published accounts that reflect an abundance of attitudes toward Mexicans. Included in these publications were novels and personal narratives as well as official reports of explorers and agents commissioned by the U.S. government. Robinson aptly described many of the themes evident in a variety of sources published before and during the Mexican War. He wrote:

> Pioneer America could find little to approve of in the Mexican society it collided with, being affronted in all its major convictions by Mexican attitudes, real and alleged. Americans, in their Protestant individualism, in their ideas of spirit and hard work, in their faith in progress through technology, in their insistence upon personal hygiene, in Puritanism and racial pride, found Mexico

> much to their distaste because of its priestly power, its social stratification with a pronounced sense of caste, its apparent devotion to pleasure and its indifference to cleanliness, and its reputation for pervasive sensuality ... Adding to all this was the Anglo-Saxon's contempt for a people who had lowered themselves to a state of general cohabitation with the Indians and had thus forfeited the right to be considered "white." (Robinson, 1977)

In a more recent study about the characterizations of Mexican Americans in American literature, French scholar Marcienne Rocard came to a conclusion similar to that of Robinson. "Everything about Mexican-Americans went against the American mentality," she wrote, "everything thus reinforced the pioneer writers' sense of superiority and encouraged them to look down upon the Other and see him as nothing more than a 'greaser'" (Rocard, 1989). Weber, in his analysis of the development of stereotypes, reflected on the same genre of American literature and concluded that "Mexicans were described as lazy, gambling, cruel, sinister, cowardly, half-breeds" (Weber, 1979).

11. During the half century following the Mexican War, a set of racial attitudes and institutional developments resulted which relegated Mexican Americans to a second-class citizenship and widespread exclusion from opportunities in American society. Manifest Destiny in mid-nineteenth century America was an ideology of American nationalism that not only justified expansion of U.S. boundaries across the continent, it also served as a rationale to remove Indians from the path of western frontier development, and to conquer Mexico and claim its northern provinces for the American nation. Part and parcel of Manifest Destiny were attitudes that cast Mexican Americans in the second half of the nineteenth century into a widening net of inferior peoples who occupied precarious positions in America's racial hierarchy. The prevalent attitudes of the Manifest Destiny era were reinforced and reflected in the institutions, laws, and customs of the region which, in the end, set Mexicans apart from their white American counterparts. For the most part, the large majority of Mexicans in the decades following the war, despite the rights guaranteed them by the Treaty of Guadalupe Hidalgo, were dispossessed of their lands through legal and extra-legal means, disenfranchised from the new political institutions brought by Americans, relegated to the lower class of workers in the emerging labor markets, and maligned socially and culturally as "foreigners and outsiders" by Anglo newcomers to the Southwest (Horsman, 1981; De Leon, 1983; Takaki, 1993). Though the majority of Mexicans avoided contact with Americans, tensions often erupted during the post-war decades that resulted in what some referred to as "race wars" along the border stretching from Los Angeles to Brownsville, Texas.

For the approximately 100,000 Mexicans who had opted to remain in their native land after war and annexation, sweeping changes characterized the two generations of Mexican Americans who experienced a new reality as a racial minority in a dominant white society. Mexican Americans entered the twentieth century as a group that had survived -- though at great costs -- a radical transformation of their society. Isolated in their *pueblos*-turn-*barrios* (segregated Mexican American neighborhoods) in the emerging cities of the Southwest and separated into rural *colonias* (colonies), the majority were, to a large extent, excluded from mainstream society because of their racial, class, cultural, and linguistic differences. The racial tensions and antagonisms which had characterized Mexican-Anglo relations in the nineteenth century had reached, it seemed, a level of biracial accommodation by 1900, although social distance between the two peoples continued to define group relationships. This distance between Mexicans and whites, fueled by fears of mass immigration from Mexico, led to more stereotypes, strained relations, and continued separateness in the early twentieth century (Camarillo, 1984; Montejano, 1986; Sheridan, 1986).

12. The first great wave of immigrants from Mexico (an exodus of about a million people who fled their revolution-torn country) crossed the border between 1910 and 1928 and settled in Texas, Arizona, Colorado, and California, and later in states such as Michigan, Iowa, Oklahoma, Indiana, and Illinois (Cardoso, 1980; Valdes, 1986). As

increasing numbers of immigrants from Mexico began to arrive in the Southwest and Midwest in the early twentieth century, it became quite obvious to them that their compatriots and Mexican Americans were being treated differently than were European immigrants. Immigrants from Mexico were concerned about being included in society, and they were keenly aware of how differential treatment affected them as workers. During the early decades of the century, the idea of Mexicans as a principal source of cheap labor for a growing agricultural economy became wedded to the existing racial ideology that helped justify why Mexicans worked in non-skilled jobs (work generally not attractive to white labor) and why they should be paid less than white workers. The occupations of the Southwest that came to be associated with immigrants from Mexico during the first third of the 1900s -- railroad and migratory farm work, mining and construction work, and other manual labor -- were often referred to as "Mexican jobs." As the Southwest labor market grew increasingly dependent on Mexican immigrant labor for particular types of work, a pattern of segmenting a racial minority in the regional work force developed. Racial wage differentials were a part of this segmentation of Mexican labor (Barrera, 1979).

Those who journeyed further north in search of opportunity in the large industrial cities such as Detroit, Chicago, and Gary found work largely restricted to the lowest skill jobs in the steel and auto industries, the meat packing plants, and railroad yards. By 1930, substantial communities of Mexicans dotted the urban landscape throughout the region (for example, nearly 20,000 lived in Chicago, 15,000 in Detroit, and over 9,000 in the East Chicago-Gary, Indiana area). Though the Mexican immigrants and their children in these cities did not encounter the historical legacy of anti-Mexican racism faced by their counterparts in the Southwest, they did not escape the effects [sic] discrimination and racial exclusion, especially as the 1920s came to a close. Mexicans increasingly found the environment in these northern cities inhospitable as discrimination mounted in housing, in public accommodations, and in work places (Vargas, 1993; Ano Nuevo Kerr, 1976; J. Garcia, 1996).

13. The reactions of Anglos to large-scale immigration was ambivalent. On the one hand, American employers increasingly became dependent on Mexican low wage labor but, on the other hand, they decried the problems Mexicans supposedly created. Among the reasons articulated by those who advocated restricting immigration from Mexico in the post-World War I era, the complaints cited most often included the following: Mexicans could not be assimilated into U.S. society because they were so different (i.e., racial and cultural differences); their children created problems in the public schools and made the educational process more difficult for Anglo students; their youth were inclined toward delinquency and gangs; they caused public health problems because of their propensity to live in dirty, overcrowded conditions which bred contagious diseases; and they took jobs away from American citizens (Gutierrez, 1994).

It is not surprising that responses by Americans to the so-called "Mexican problem" during the inter-war years (1918-1941) resulted in what several historians have labeled the "age of segregation" for Mexican Americans. During this period, the barriers of segregation against Spanish-speaking people rose higher and became more institutionalized. For example, sometimes by law and other times by custom, the vast majority of Mexican youngsters were forced to attend segregated Mexican schools or were concentrated in "Mexican classrooms" within schools with predominantly white pupils. *De jure* and *de facto* segregation of Mexican American school children in the public schools also reminded parents that their children were perceived as inferior to white children and somehow were seen as a threat to the education of Anglo pupils. Two of the earliest successful court cases involving desegregation of minority children in the nation's public schools did not involve African Americans in the South, but rather they involved Mexican American children in two Southern California communities during the 1930s and 1940s (i.e., Alvarez v. Lemon Grove School District in 1931 and Mendez v. Westminister School District in 1946). (Wollenberg, 1976; Arriola, 1995)

68

This was also the era during which Mexicans could hardly escape the notice of Jim Crow in the Southwest as signs were commonly posted in restaurants, barber shops and other store front windows indicating "No Mexicans Allowed" or "White Trade Only." These were the years when Mexican American movie fans had to sit in the side aisles or balconies of theaters because custom required that whites received the best seats and Mexicans, blacks, and other racial minorities sat elsewhere. These were the decades when Mexicans and blacks were allowed to swim in the public swimming pools but only on the day before the water was drained because whites feared that minorities contaminated the water for white patrons. And this was the epoch during which the racial restrictive real estate covenant gained widespread use in communities throughout the Southwest and beyond where Mexican Americans and other minorities sought to buy or rent property (e.g., the number of communities that employed restrictive covenants in Los Angeles County rose from about twenty percent in the 1920s to about eighty percent in the 1940s). One need only to read the print in a deed of sale during the era which often plainly stated that "No portion of the herein described property shall ever be sold, conveyed, leased, occupied by, or rented to any person of any Asiatic or African race ...nor to any person of the Mexican race" (Penrod, 1948; Montejano, 1986; Camarillo, 1984).

The consequences for Mexican immigrants and their Mexican American children during this age of segregation were disastrous. Youngsters from an early age were not encouraged, indeed they were often actively discouraged from pursuing education beyond the primary grades. High school attendance was more the exception than the rule for Mexican Americans before World War II. Relegated to jobs in the low skill, low wage sectors in which upward mobility was difficult if not impossible to attain, Mexican American workers performed the dirtiest and most dangerous jobs that other Americans avoided (e.g., migratory farm labor, railroad maintenance, construction laborers, mining, factory operatives, and domestic service work for women). See Table I.

14. The so-called "Mexican problem" of the 1920s turned into a "crisis" during the following decade, especially the worst years of the Great Depression. What had been previously a ultifaceted problem now became a single issue, one which the federal government -- in conjunction with local public and private welfare agencies -- posed as a question of "how to get the Mexican off relief""? Mexicans, it was argued, were a drain on welfare coffers and they took scarce jobs away from unemployed American citizens. They were here as illegals, and according to many officials, including President Herbert Hoover, Mexicans were a chief source of the economic distress in the Southwestern and Midwestern communities in which they were concentrated.

The solution for dealing with the Mexican problem during the early 1930s was to deport them by any means necessary. Spearheaded by the Department of Labor, the Immigration Service, and local welfare and law enforcement agencies, a massive, repatriation/deportation program aimed at Mexicans was conducted between 1931 and 1935 (Hoffman, 1974; Balderrama and Rodriguez, 1995). While these deportation drives were centered in Southwest cities, they also took place in the Midwest, in places such as Chicago, Illinois; Detroit, Michigan; and Gary and East Chicago, Indiana (Ano Nuevo Kerr, 1976; Kiser and Silverman, 1979; Vargas, 1993). Many tactics were employed, ranging from devious scare campaigns whereby federal agents made arrangements with metropolitan newspaper editors to print articles warning of imminent immigrant sweeps to offering free one-way train travel to Mexico for those who would leave voluntarily. The results of these governmental efforts was the involuntary deportation and "coerced" voluntary repatriation of over half a million Mexican immigrants and their native born children, who were legally American citizens. This program gave rise to the largest government-initiated deportation effort in American history. More than anything else, the deportation of hundreds of thousands of Mexicans and Mexican Americans demonstrated vividly that they were "second class" citizens (for those born in the U.S.) at best, and an expendable group of foreign workers who constituted a social problem to be eliminated. Recalling their maltreatment in the U.S., many deportees could relate to the words repeated time after time in the following *corrido*, or Mexican folk ballad.

> Now I go to my country
> Where although at times they make war [Mexican Revolution]
> They will not run us from there.
> Goodbye, my dear friends,
> You are all witness
> Of the bad payment they give.
> (Balderrama, 1982)

15. For a different group of Spanish-speaking people in a different region of the nation, the Great Depression and reality as a segregated minority went hand-in-hand. Puerto Ricans, concentrated in New York City, faced a reality of separation and exclusion from mainstream society that paralleled that of their ethnic kin in the Southwest. However, their emergence as a Spanish-speaking minority evolved differently from that of Mexicans. For Puerto Ricans, a different war -- the Spanish-American War -- set in motion forces that later propelled hundreds of thousands of people from the island of Puerto Rico to American shores. The U.S. acquired Puerto Rico from Spain in 1898 and established a colonial relationship that not until 1917 allowed Puerto Ricans status as American citizens, just in time to make them eligible for military service in World War I. Though Puerto Rico was accorded commonwealth status in 1947, this development did not appreciably change the status of the island and its people as possessions of the United States. Interdependency and U.S. domination of the island's economy by World War I resulted in a migration of Puerto Ricans to the mainland U.S., a movement that gained greater momentum in the decades after World War II. Poverty, unemployment, and lack of opportunity on the island, combined with cheaper transportation costs, resulted in steady migration streams of Puerto Ricans to mainland cities, especially New York City's East Harlem, or "Spanish Harlem," where a highly segregated urban experience unfolded (Sanchez-Korrol, 1983).

The migration of Puerto Ricans from the island to the mainland began in earnest during the 1920s and 1930s, as American sugar cane companies invested heavily in the island economy and contributed to the breakup of subsistence farming carried out by rural islanders. The development of agribusiness in Puerto Rico also resulted in an impoverished working class that sought opportunity by relocating to the mainland. Though the migration slowed to a trickle during the Great Depression, it resumed with greater intensity during the 1940s and 1950s as the U.S., in collaboration with Puerto Rico's governor Luis Munoz Marin, initiated "Operation Bootstrap," a program to industrialize the island, shore up a lagging economy, and increase work opportunities for the people. The program was successful in part because it opened the door to industrial development, urbanization, and greater wealth for a sector of the Puerto Rican population, but it could not stem the migration flow to the U.S., primarily because unemployment on the island remained high and poverty in the emerging urban slums increased. A population boom among Puerto Ricans, moreover, prompted hundreds of thousands of poorer islanders in the post-World War II decades to venture to the mainland in search of work and opportunity, especially during the years of growing American economic prosperity in the 1950s and 1960s. In 1940, to illustrate, fewer than 70,000 Puerto Ricans lived on the mainland, the majority of whom resided in New York City. Within twenty years the Puerto Rican population in the U.S. outside the island increased to nearly 900,000 and, by the early 1970s, had grown to over 1.7 million persons -- a third of all Puerto Ricans now lived off the island (Moore and Pachon, 1985; Rodriguez-Fraticelli, 1986).

The expectations for greater economic and employment opportunities eluded most Puerto Ricans who journeyed to and settled in the U.S. Some traveled to the rural farmlands of the Midwest and found work in the migratory farm worker streams. Some moved to the urban industrial centers of the Midwest such as Chicago and Detroit (Maldonado, 1979). The majority settled in New York City and inhabited the crowded and dilapidated old tenement districts in East Harlem, the South Bronx, and near the Navy shipyards in

Brooklyn. Puerto Rican migrants to urban America found an environment and a society that cast them into a racial hierarchy which they shared in many ways with African Americans. Racial attitudes about Puerto Ricans were complicated in ways not unlike that for Mexican Americans; most were *mestizo* but others appeared more European. However, unlike Mexican Americans, a substantial percentage of Spanish-speaking Puerto Ricans were black, and this factor of color added yet another condition that served to isolate Puerto Ricans from mainstream society. The prevailing attitudes about Puerto Ricans in the post-war decades thus characterized them as a poor foreign-born minority of mixed racial origins. The work they performed, both before and after World War II, mirrored that of their African American counterparts in places such as New York and Chicago. Puerto Rican women labored in garment factories and worked as hotel maids and housekeepers. Men worked in unskilled jobs in factories or in the urban service industries. Though some were able to achieve upward mobility to better jobs and better neighborhoods, the great majority remained seemingly trapped in urban *barrios* and in a labor market that offered few opportunities for advancement (Sanchez-Koffol, 1983).

By the 1960s, the condition of Puerto Ricans in New York stood precariously close to that of their African American counterparts. The schools they attended were highly segregated and lacked basic resources. To make matters worse, large numbers of Spanish-speaking Puerto Rican children, much like their Mexican American peers elsewhere in the nation, were typically labeled, as a result of IQ tests, as "slow learners" and often placed in classrooms for the "educable mentally retarded" (Rodriguez-Fraticelli, et al., 1986). Though some inter-generational advances were made by the children of the first migrants from the island, the overall picture of Puerto Ricans in New York City by 1960 was rather dismal. Whereas unemployment for white males in the city was 5 percent and 7 percent for blacks, the rate was nearly 10 percent for Puerto Ricans. Puerto Rican family income in 1960 was only 63 percent of that for white families in the city (Glazer and Moynihan, 1963). Puerto Rican school children had the highest high school drop out rate of any group in the city (87 percent) and the lowest educational attainment rates (Moore and Pachon, 1985). From all socio-economic and educational indicators, therefore, Puerto Ricans shared a dubious distinction, together with African Americans and Mexican Americans, as one of the most impoverished and disadvantaged communities in American urban society in the immediate post-World War II decades.

16. The social and economic conditions faced by Mexican-origin and Puerto Rican-origin people in the U.S. during the first half of the twentieth century, exacerbated by both individual acts of discrimination and institutionalized forms of exclusion from opportunities, gave rise to an unprecedented development in the number and variety of self-help organizations among Hispanics. These organizations mirrored the social reality of the native-born and immigrants and illustrate the pressing issues faced by Mexican Americans and Puerto Ricans in the decades between the world wars. First, an enormous proliferation of mutual aid-type organizations went hand-in-hand with mass immigration from Mexico. In adjusting to life in the U.S., Mexican immigrants organized hundreds of new mutual aid organizations to meet their needs for sickness and death benefits and, in a broader context, to recreate their social networks in a new environment. Many of these mutual aid associations were founded as strictly local groups, while others, such as La Sociedad Benito Juarez and La Union Patriotica Benefica Mexicana Independiente, had dozens of chapters in various states of the Southwest and later in Midwestern communities (Hernandez, 1983; Camarillo, 1984; J. Garcia, 1996).

The mutual aid organizations, much like their predecessors of the previous century, often played a variety of key roles in Mexican American communities. They not only provided insurance benefits and sponsored social-cultural events for members, they also helped to mobilize for political action and helped organize workers against economic discrimination they faced in their communities. It was no surprise, for example, that many Mexican American mutual aid societies were responsible for the development of ethnic-oriented labor unions throughout the period, especially during the 1920s and 1930s.

The major U.S. labor unions had made it quite clear that they had no intention of organizing Mexican workers, and some unions were adamantly opposed to the large-scale use of immigrant workers in the Southwest labor market. With little help from the national unions, Mexican Americans were particularly vulnerable to exploitation. The list of discriminatory and exploitative practices used against Mexican immigrants and Mexican American workers in the mining, food processing, construction, and transportation industries and in agribusiness have been well documented by scholars: racial wage differentials, contract labor, wages paid in script for purchases only at company stores, jobs designated for "Mexicans only," deportation of union leaders, and so forth. These and other conditions forced many mutual aid associations to take the lead in organizing Mexican American workers into unions. For example, in 1927, a federation of mutual aid societies from throughout Southern California gathered in Los Angeles to form the first Mexican American labor union in 1928, La Confederacion de Uniones Obreras Mexicanas, or the Confederation of Mexican Workers' Unions (Acuna, 1981, Barrera, 1985; Camarillo, 1984).

Although the period from the turn of the century through the Great Depression was one marked more by failure than success for unionization among Mexican American workers, it nevertheless was a period in which the foundations were laid for more significant union victories during the post-World War II era. More than anything else, the unionization efforts of the early twentieth century reflected the dire circumstances that confronted Mexican Americans and their need to join together in organizations to protect their rights and interests as workers.

The protection of workers' rights was in many ways inseparable from efforts to protect basic civil rights, a reality most Mexican American labor unionists faced during the period. Mexican Americans struggled to achieve civil and legal rights through a variety of local groups and, later in the period, through their first national civil rights advocacy organization.

Although civil rights advocacy of Mexican Americans was something articulated by community leaders and spokespersons since the mid-nineteenth century, the first formal organizations to include protection of civil rights in their agendas were products of the early twentieth century. For example, in 1911, Mexican Americans in Texas organized El Primer Congreso, a statewide meeting of local organizations, to unite for action against discrimination and repression by Anglos. The Congreso also identified a variety of other issues with regard to racial inequality, in particular the educational segregation of Mexican American children and violation of citizens' legal rights in the political/judicial system in Texas (Limon, 1974).

The culmination of civil rights advocacy for Mexican Americans and other Hispanics occuffed in 1939 with the formation of the Congreso de Pueblos de Habla Espanola (Congress of Spanish Speaking People). Indeed, in many ways the Congress represented the amalgamation of the mutual aid, labor, and civil rights advocacy movements for Mexican Americans during the first four decades of the twentieth century. Delegates attending the 1939 meeting of the Congress represented Mexican American and other Hispanic groups with a combined dues-paying membership of 874,000 people. In addition to advocacy and protection of civil rights for Hispanics and opposition to racial and class discrimination, the Congress offered Hispanics a broad platform for action: political advocacy condemning legislation adversely affecting Hispanics; promotion of labor unionization; promotion of the health, education, and welfare of Hispanics; and protection of the foreign born. The Congress was the first broad-based civil rights national organization for Hispanics. It achieved a degree of cooperation among Mexican Americans across the Southwest and Hispanics in other parts of the nation never attained before or since. Although it did not survive much beyond 1945 for a variety of reasons, it mirrored the need for civil rights protection for Hispanics and signaled a new period of increased political action among Mexican Americans and Puerto Ricans during the post-World War II period (Garcia, 1989; Camarillo, 1984; Sanchez, 1993).

17. Though the Congress was the only organization for Spanish-speaking people in which both Puerto Ricans and Mexican Americans participated, the organizational development of the Puerto Rican community in New York City in the twentieth century paralleled in many ways the history of that for Mexican Americans, though no similar nineteenth century analogue existed for Puerto Ricans. In the years following World War I and as the initial migration stream from the island began to increase, Puerto Ricans in the city realized the need to develop organizations to promote and maintain their social and cultural traditions in the new urban milieu. As a result, several civic and cultural clubs developed, both for the small group of middle class professionals and for predominantly working class people (Sanchez-Koffol, 1983, Rodriguez-Fraticelli, et al., 1991)

18. In the immediate post-World War II decades, both Puerto Rican and Mexican American community organizations were becoming more explicitly political in nature, a product of growing political maturation that linked the destiny of "Nuyoricans" increasingly to city politics and Mexican Americans of the second generation to U.S. partisan politics. Most historians agree that returning Mexican American GIs expected and demanded more from U.S. society after risking their lives overseas to defend democracy at home. Yet, when most returned to their *barrios* and *colonias*, they found conditions little changed since they left the home front. Many of the returning servicemen were convinced that political power was the key to creating more and better opportunities. Several of the most important postwar organizations founded by Mexicans illustrated this new preoccupation with political participation and the potential influence of the Mexican American citizenry. Three organizations founded during the 1940s and 1950s serve as examples of this new orientation among Mexican Americans to advance the educational and political status of their ethnic communities: the Community Service Organization (CSO) in Los Angeles, the Mexican American Political Association in California, and its counterpart in Texas, the Political Association of Spanish-Speaking Organizations. These organizations sought to achieve political influence as the avenue to improve the well being of its constituents. Dozens of organizations during the 1960s and later have followed the precedent of these earlier groups (Gutierrez, 1994; Acuna, 1981).

19. In the 1960s and early 1970s, the status of Hispanic Americans and African American [sic] -- the nation's two largest racial minorities -- was at a critical turning point. The gains of the civil rights movement that resulted in the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the development of a host of federally-supported programs to support educational and economic opportunity beginning in 1967 helped to open doors previously closed to most racial and ethnic minority communities. These unprecedented legislative and executive-mandated laws and acts not only made discrimination based on race and national origin illegal, they set a context for the nation to reconsider the direction society was headed with regard to the inclusion and incorporation of American minorities who had for too long been kept outside mainstream society. In 1971 and 1972, a series of reports documented the educational isolation and schooling gap that separated Mexican American students in public schools from the achievement of Anglo pupils. The reports revealed, for example, that in 1960, 45 percent of all Mexican American school children attended schools that were predominantly Mexican American, with the greatest degree of racial isolation in Texas schools where 65 percent of all Mexican Americans attended ethnically isolated public schools. Drop-out or attrition rates for Mexican Americans in the Southwest were higher than for any other group, including African Americans. In 1970, for every 100 Mexican American children who started first grade, only 60 graduated from high school; the high school completion rates for blacks and Anglos was 67 percent and 87 percent respectively (*Mexican American Education Study*, 1971; *The Unfinished Education*, 1971; *The Excluded Student*, 1972).

Compelling evidence of educational neglect, segregation in the public schools, and lack of educational opportunities for Mexican Americans and Puerto Ricans into the 1970s was perhaps the most troubling socio-economic finding reported to the American nation as a result of the reports issued by the U.S. Commission on Civil Rights and other agencies during the decade. The problem was an enormous one with huge implications for the future of the nation's fastest growing ethnic group. In 1970, the number of Mexican Americans had surpassed the 4.5 million mark and the Puerto Rican population on the mainland reached about 1.4 million (*Americans of Spanish Origin*, 1974). Clearly, the issues that revolved around the inclusion of Hispanics in the institutional life of American society by the 1970s were strongly influenced by the legacies of the past.

20. The most recent report published by the Population Reference Bureau in Washington, D.C., based on calculations from the U.S. Census Current Population Report from March 1996, provides an excellent profile of the demographic, socio-economic, and educational status of Hispanic Americans in the late 1990s (del Pinal and Singer). Upon review of the data, it is clear that some group progress has been achieved, especially among those Hispanics who were able to access educational and employment opportunities in the post-1970 decades and secure for themselves a measure of middle class stability. But there are many troubling signs that indicate that in important areas of American life, the diversity that Hispanics add to society by virtue of their large numbers is not reflected in the institutions which have historically promoted opportunity. Most educational and economic indicators in the 1990s point to the reality that the history I have described carries its consequences into contemporary society: Hispanics are still grossly under-represented in institutions of higher learning and over-represented when measures of poverty and low occupational status are considered. The lagging behind of Hispanics in education and income looms as a major challenge for a diverse American society in the twenty first century, especially as the Hispanic population continues to soar over the next several decades.

Population growth of Hispanics, largely due to high rates of natural increase and continuing immigration from Mexico and other Latin American nations, have prompted Census Bureau demographers to project that Hispanics will constitute the largest single ethnic group in America by 2005. As Table 2 indicates, the population increase of Hispanics, especially for Mexican-origin people, has been tremendous since 1960. The total population of Hispanics in 1996 exceeded 25 million (Mexican-origin persons comprised 64 percent, Puerto Ricans 11 percent, Central and South Americans 17 percent, Cubans 6 percent, and "other" Hispanics accounted for 12 percent). Projections for the first half of the twenty first century target the Hispanic population to surpass 65 million persons by 2030 (about 19% of the U.S. total population), a figure that is further projected to reach 95 million by mid-century (Hispanics are projected to comprise about a quarter of all Americans in 2050). These population figures point clearly to the fact that ethnic diversity in American society into the next century will be driven disproportionately by the increasing numbers of Hispanics. The real question is whether this growing Hispanic diversity will be reflected in society, or whether Hispanic Americans will continue to live separately from white Americans.

21. The socio-economic and educational profiles for Hispanics in 1996 reflect many factors that help explain why this large ethnic group in American society has shown, on the one hand, some signs of progress and advancement and, on the other hand, some persistent patterns of under-representation in the institutional life of the nation.

Though certain contemporary factors undeniably have great bearing on the economic and educational well being of Mexican Americans, Puerto Ricans, and other Hispanic subgroups, the influence of history continues to weigh heavily on the status of Hispanics in American society. The historical legacies of educational, occupational, and residential isolation and separation that characterize the Hispanic American past are absolutely essential considerations in understanding the nature of American diversity in the late twentieth century.

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Table of Contents

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

TABLE OF CONTENTS

I. Statement of Qualifications

II. Information Considered in Forming Opinions

II. Other Expert Testimony: Compensation

IV. Summary and Conclusions

V. Opinions to be Expressed

  A. The Mission of Higher Education
  B. Theoretical Foundations for the Effect of Diversity
  C. Conceptual Model of the Impact of Diversity
  D. The Studies: Method and Measures
  E. Empirical Results from the Analyses Conducted for this Litigation

VII. Conclusion

VIII. References

IX. Appendix B

X. Appendix C

XI. Appendix D

XII. Appendix E

"Compelling Need..." Table of Contents

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

STATEMENT OF QUALIFICATIONS

I am a Professor of Psychology and Women's Studies at the University of Michigan, with thirty-four years of experience in social psychological research and teaching on the general topics of intergroup relations. I have published eight books and monographs, as well as numerous articles that have examined how group membership and identification affect the personal and social outcomes of various groups in American society, among them racial and ethnic groups, gender groups, age groups, and social class groups. Much of my work has utilized national surveys conducted by the Institute for Social Research, where I have been a Faculty Associate since 1968. Since 1990-91, I have conducted research on student experience with diversity at the University of Michigan. I am a member of the Russell Sage Foundation's Committee on Race, Culture, and Contact, and have contributed to numerous conferences and symposia on this general topic. I have taught both undergraduate and graduate courses in social psychology, as well as courses in the role of race and ethnicity in American society. I served as the chairperson of the Department of Psychology, one of the top-ranked psychology departments in the country, from 1991-98. Since September 1998, I have been Interim Dean of the College of Literature, Sciences, and the Arts. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents **Next "Gurin" Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

INFORMATION CONSIDERED IN FORMING OPINIONS

My research, participation in national forums, and broad reading in the social sciences have given me a theoretical and empirical grounding for examining the impact of diversity on students from all social backgrounds. My teaching has given me first-hand knowledge of the ways in which diversity contributes to the learning environment at the University of Michigan, and to preparation of our young people for participation in a pluralistic democracy. My administrative positions have given me valuable, daily understanding of the ways that diversity operates in our University and enhances the learning and experience with democracy that all students will need in the 21st Century.

I have considered a wide range of bibliographic materials, listed in Appendix B. I have analyzed data from the Michigan Student Study (hereafter referred to as MSS), the study of the Intergroup Relations, Conflict, and Community Program at the University of Michigan (hereafter referred to as IRGCC), and the 4-year and 9-year data on a large national sample of institutions and students from the Cooperative Institutional Research Program (hereafter referred to as CIRP). I worked with others at the University of Michigan in conducting these analyses.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents **Next "Gurin" Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

OTHER EXPERT TESTIMONY; COMPENSATION

I have not testified as an expert at trial or by deposition within the preceding four years. I am not being compensated for my work in this matter.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents
Next "Gurin" Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

SUMMARY AND CONCLUSIONS

A racially and ethnically diverse university student body has far-ranging and significant benefits for all students, non-minorities and minorities alike. Students learn better in a diverse educational environment, and they are better prepared to become active participants in our pluralistic, democratic society once they leave such a setting. In fact, patterns of racial segregation and separation historically rooted in our national life can be broken by diversity experiences in higher education. This Report describes the strong evidence supporting these conclusions derived from three parallel empirical analyses of university students, as well as from existing social science theory and research.

Students come to universities at a critical stage of their development, a time during which they define themselves in relation to others and experiment with different social roles before making permanent commitments to occupations, social groups, and intimate personal relationships. In addition, for many students college is the first sustained exposure to an environment other than their home communities. Higher education is especially influential when its social milieu is different from the community background from which the students come, and when it is diverse enough and complex enough to encourage intellectual experimentation. The University of Michigan, like similar institutions of higher education, recognizes this special opportunity and the corresponding obligation to take advantage of it. Diversity of all forms in the student body -- including racial diversity -- is crucially important in helping students become conscious learners and critical thinkers, and in preparing them for participation in a pluralistic, diverse society.

Students learn more and think in deeper, more complex ways in a diverse educational environment. Extensive research in social psychology demonstrates that active engagement in learning cannot be taken for granted. In fact, much "thought" is actually the automatic result of previously learned routines; most people do not employ effortful and conscious modes of thought very often. For an educational institution, the challenge obviously is to find ways to engage the deeper, less automatic mode of thinking. Complex thinking occurs when people encounter a novel situation for which, by definition, they have no script, or when the environment demands more than their current scripts provide. Racial diversity in a college or university student body provides the very features that research has determined are central to producing the conscious mode of thought educators demand from their students. This is particularly true at the University of Michigan, because most of the University's students come to Ann Arbor from segregated backgrounds. For most students, then, Michigan's social diversity is new and unfamiliar, a source of multiple and different perspectives, and likely to produce contradictory expectations. Social diversity is especially likely to increase effortful, active thinking when institutions of higher education capitalize on these conditions in the classroom and provide a climate in which students from diverse backgrounds frequently interact with each other.

These conclusions are confirmed by one of the most broad and extensive series of empirical analyses conducted on college students in relation to diversity. I examined multi-institutional national data, the results of an extensive survey of students at the University of Michigan, and data drawn from a specific classroom program at the University of Michigan. It is clear from all three analyses that interaction with peers from diverse racial backgrounds, both in the classroom and informally, is positively associated with a host of what I call "learning outcomes." Students who experienced the most racial and ethnic diversity in classroom settings and in informal interactions with peers showed the greatest engagement in active thinking processes, growth in intellectual engagement and motivation, and growth in intellectual and academic skills.

The benefits of a racially diverse student body are also seen in a second major area. Education plays a foundational role in a democracy by equipping students for meaningful participation. Students educated in diverse settings are more motivated and better able to participate in an increasingly heterogeneous and complex democracy. They are better able to understand and consider multiple perspectives, deal with the conflicts that different perspectives sometimes create, and appreciate the common values and integrative forces that harness differences in pursuit of the common good. Students can best develop a capacity to understand the ideas and feelings of others in an environment characterized by the presence of diverse others, equality among peers, and discussion under rules of civil discourse. These factors are present on a campus with a racially diverse student body. Encountering students from different racial and ethnic groups enables students to get to know one another and to appreciate both similarities and differences.

The results of the three empirical analyses confirm the central role of higher education in helping students to become active citizens and participants in a pluralistic democracy. Education in a racially diverse setting is positively associated with a broad array of what I call "democracy outcomes." Students who experienced diversity in classroom settings and in informal interactions showed the most engagement during college in various forms of citizenship, and the most engagement with people from different races and cultures. They were also the most likely to acknowledge that group differences are compatible with the interests of the broader community. These effects continued after the students left the university setting. Diversity experiences during college had impressive effects on the extent to which graduates in the national study were living racially and ethnically integrated lives in the post-college world. Students with the most diversity experiences during college had the most cross-racial interactions five years after leaving college. The University of Michigan is particularly aware that most of its students (like those at similar institutions) come from schools and neighborhoods that are largely segregated. The long-term pattern of racial separation noted by many social scientists can be broken by diversity experiences in higher education.

Taken together, the results of these original analyses are compelling. There is a consistent pattern of positive relationships between diversity in higher education and both learning and democracy outcomes. This pattern holds across racial and ethnic groups and across a broad range of outcomes. And the benefits of diversity are evident at the national level, after four years of college and five years after leaving college, and in the studies of Michigan students. This consistency is unusual in my experience as a social scientist. These analyses, which are supported by the research literature, provide strong evidence of the compelling benefits to our society of racial diversity in higher education.

"Gurin" Table of Contents

"Compelling Need..." Table of Contents **Next "Gurin" Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

OPINIONS TO BE EXPRESSED

THE MISSION OF HIGHER EDUCATION

Institutions of higher education have an obligation, first and foremost, to create the best possible educational environment for the young adults whose lives are likely to be significantly changed during their years on campus. Specific objectives may vary from one institution to another, but all efforts must be directed to ensuring an optimal educational environment for these young people who are at a critical stage of development that will complete the foundation for how they will conduct their lives.

One goal embraced by most colleges and universities, and certainly by the University of Michigan, is to prepare young people for active participation in our democratic society, which is an increasingly diverse society. As stated by the Association of American Colleges and Universities in 1995, higher education has

> both a distinctive responsibility and a precedent setting challenge. Higher education is uniquely positioned, by its mission, values, and dedication to learning, to foster and nourish the habits of heart and mind that Americans need to make diversity work in daily life. We have the opportunity to help our campuses experience engagement across differences as a value and a public good. Our nation's campuses have become a highly visible stage on which the most fundamental questions about difference, equality, and community are being enacted. To this effort, filled with promise and fraught with difficulty, the academy brings indispensable resources: its commitments to the advancement of knowledge and its traditions of dialogue and deliberation across difference as keys to the increase of insight and understanding.

(AAC&U, 1995, p.xvi). Plainly, higher education is obliged both to advance knowledge and to educate those who will become active in the professions and in society. Racial and ethnic differences are relevant to both these goals.

Corporate leaders have reinforced this mission by confirming that the business community is looking to colleges and universities to produce highly valued cognitive and social skills in the educated workforce: ability to work effectively in groups with colleagues of diverse backgrounds, openness to new ideas and perspectives, and empathy with other workers' perspectives (Bikson & Law, 1994). These are qualities that higher education institutions are best equipped to create and nurture, if they are diverse. Indeed, it is development of these qualities of democratic intelligence that educator Lee Knefelkamp (1998) claims is the primary mission of colleges and universities.

That colleges and universities have an obligation to choose carefully the kind of student body that will create the best learning environment for all their students is fundamental to achieving these goals. The vitality, stimulation, and educational potential of a college is, quite obviously, directly related to the makeup of its student body, and, as I will argue on the basis of abundant research findings, diversity is a critically important factor in creating the richly varied educational experience that helps students learn and prepares them for participation in a democracy that is characterized by diversity.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents **Next "Gurin" Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

THEORETICAL FOUNDATIONS FOR THE EFFECT OF DIVERSITY

For this litigation, I have conducted a unique series of analyses of existing data on diversity in higher education. This work consistently confirms that racial diversity and student involvement in activities related to diversity have a direct and strong effect on learning and the way students conduct themselves in later life, including disrupting prevailing patterns of racial separation. A critical question is *why* diversity should affect student learning and development of skills necessary for living in a pluralistic democratic society. Before detailing the results of our empirical work, I develop a theoretical rationale below for each of these types of outcomes.

The Critical Importance of Higher Education

Because students in late adolescence and early adulthood are at a critical stage of development, diversity (racial, economic, demographic, and cultural) is crucially important in enabling them to become conscious learners and critical thinkers, and in preparing them to become active participants in a democratic society. Universities are ideal institutions to foster such development.

In essays written at the end of World War II, which profoundly affected our understanding of social development, psychologist Erik Erikson (1946, 1956) introduced the concept of *identity* and argued that late adolescence and early adulthood are the unique times when a sense of personal and social identity is formed. Identity involves two important elements: a persistent sameness within oneself, and a persistent sharing with others. Erikson theorized that identity develops best when young people are given a psycho-social moratorium -- a time and a place in which they can experiment with different social roles before making permanent commitments to an occupation, to intimate relationships, to social groups and communities, and to a philosophy of life. Ideally, the moratorium will involve confrontation with diversity and complexity, lest young people passively make commitments that follow their past, rather than being obliged to think and make decisions that fit their talents and feel authentic.

Our institutions of higher education are constituted precisely to take advantage of this developmental stage and to provide that ideal moratorium. Residential colleges and universities separate the late adolescent from his/her past. They allow young people to experiment with new ideas, new relationships, and new roles. They make peer influence a normative source of development. They sanction a time of exploration and possibility (at least four years and, for many, the graduate years as well) before young people make permanent adult commitments.

Not all institutions of higher education serve this developmental function equally well. According to Erikson's emphasis on the importance of discontinuity from the past environment, higher education will be especially influential when its social milieu is different from the home and community background, and when it is diverse enough and complex enough to encourage intellectual experimentation and recognition of varied future possibilities. Going to college in one's home environment or replicating the home community's social life and expectations in a homogeneous college that is simply an extension of the home community impedes the personal struggle and consciousness of thought that Erikson argues are critical for identity development.

The classic study by sociologist Theodore Newcomb of Bennington College (1943) supports Erikson's belief that late adolescence is a time to determine one's relationship to the socio-political world and affirms the developmental impact of the college experience. This study demonstrated that political and social attitudes -- what Erikson would call the core of social identity -- are quite malleable in late adolescence and that change occurred especially for students to whom Bennington College presented ideas and attitudes that were discrepant from their home backgrounds. Peer influence was critical in the changes Newcomb documented. Subsequent follow-ups of these students, moreover, showed that the attitudes formed during the college experience were quite stable, even 25 years later (Newcomb, Koenig, Flacks, and Warwick, 1967) and 50 years later (Alwin, Cohen, and Newcomb, 1991).

Writing long before the controversies about diversity and affirmative action became politically important or academically studied, neither Erikson nor Newcomb was making an explicit case for social diversity. Nonetheless, their arguments about the significance of discontinuity and the power of a late adolescence/early adulthood moratorium provide a strong theoretical rationale for the importance of bringing students from varied backgrounds together to create a diverse and complex learning environment. Late adolescent and early adult experiences, when they are discontinuous enough from the home environment and complex enough to offer new ideas and possibilities, can be critical sources of development. Racial diversity, given the significance of the racial separation that persists in this country, increases the probability that higher education environments will provide such experiences. Encountering students from different racial and ethnic groups enables students to get to know one another and to deepen their own thinking about themselves and about others.

Theories of cognitive growth also emphasize discontinuity and discrepancy. Many different cognitive-developmental theories agree that cognitive growth is instigated by incongruity or dissonance, termed disequilibrium by the well-known Swiss psychologist Piaget (1971;1975/1985). Drawing on these theories, developmental psychologist Diane Ruble (1994) offers a model that ties developmental change to *transitions*, such as going to college. Transitions are significant moments for development because they present new situations about which individuals have little knowledge and in which they will experience uncertainty. The early phase of a transition, what Ruble calls the phase of *construction*, is especially important. People have to seek information in order to make sense of the new situation. Under these conditions individuals likely will undergo cognitive growth (unless they are able to retreat to a familiar world). Applied to the experience in higher education, Ruble's model gives special importance to the first year of college (or to the first year of graduate school), as this is the critical period of construction. In this period, classroom and social relationships that challenge rather than replicate the ideas and experiences students bring with them from their home environments are especially important in fostering cognitive growth.

In order to capitalize amply on such opportunities for cognitive growth, institutions of higher education must bring diverse students together, provide stimulating courses covering historical, cultural, and social bases of diversity and community, and must create opportunities and expectations for students to interact across racial and other divides. Otherwise, many students will retreat from the opportunities offered by a diverse campus to find settings within their institutions that are familiar and that replicate their home environments.

Learning Outcomes

Students learn more and think in deeper, more complex ways in a diverse educational environment. A curriculum that deals explicitly with social and cultural diversity, and a learning environment in which diverse students interact frequently with each other, naturally will affect the content of what is learned. Less obvious, however, is the notion that students' *mode of thought* is affected by features of the learning environment, and that diversity is a feature that produces deeper and more complex thinking. I refer generally to these mode-of-thought benefits of diversity as "learning outcomes."

It cannot be taken for granted that deep and complex thinking occurs as a matter of course among students in college classrooms and in the broader college environment. Research in social psychology in the past twenty years, in particular, has shown that active engagement in learning cannot be assumed. This research confirms that much apparent thinking and thoughtful action are actually automatic or what psychologist Ellen Langer (1978) calls mindlessness. To some extent, mindlessness is the result of previous learning that has become so routine that thinking is unnecessary. Instead, these learned routines are guided by scripts or schemas that are activated and operate automatically. Some argue that mindlessness is necessary because there are simply too many stimuli in the world for us to pay attention to. It is more efficient for us to select only a few stimuli, or better still, to go on automatic pilot -- to be what some people call "cognitive misers."

Psychologist John Bargh (1997) reviews both historical and recent research evidence showing that automaticity in fact plays a pervasive role in all aspects of everyday life. He concludes that not only is automatic thinking evident in perceptual processes such as categorization and stereotyping, and in execution of perceptional and motor skills (such as driving and typing), but it is also pervasive in evaluation, emotional reactions, determination of goals, and social behavior itself. Bargh uses the term "preconscious" to describe automatic thinking. Preconscious processes are mental servants that take over from conscious, effortful thinking. He and others (Nisbett and Wilson, 1977; Greenwald and Banaji, 1995) show, moreover, that even when people believe that they have been thinking about something or that an evaluation or action is guided by a thought-out point of view, they are often wrong. Instead, they are often guided by a script coming from past experience -- from some kind of automatic processing.

In one of the early studies indicating the pervasiveness of automatic thinking, Langer (1978) laid out many positive benefits that come when people can be encouraged to use active, effortful, conscious modes of thought rather than automatic thinking. All of these benefits foster better learning. Langer argued that conscious, effortful thinking helps people develop new ideas and new ways of processing information that may have been available to them but were simply not used very often. In several experimental studies, she showed that such thinking increases alertness and greater mental activity (surely something all college teachers strive for in classrooms).

Many terms are used to describe two basically different modes of thought: automatic v. nonautomatic; preconscious v. conscious; peripheral v. central; heuristic v. systematic; mindless v. minded; effortless v. effortful; implicit v. explicit. Whatever the term, higher education needs to find ways to produce the deeper, less automatic mode of thinking.

The social science literature demonstrates that certain conditions encourage effortful, minded, and conscious modes of thought. Langer contends that people will engage in minded thought when they encounter a novel situation for which, by definition, they have no script; or, when the environment demands more than their current scripts provide, such as an encounter with something that is quite discrepant from their past experience. These conditions are very similar to what sociologist Coser (1975) calls complex social structures: situations where we encounter many rather than few people, when some of those people are unfamiliar to us, when some of them challenge us to think or act in new ways, when people and relationships change and thus produce some unpredictability, and, especially, when people we encounter hold different kinds of expectations of us. Coser shows that people who function in complex social structures develop a clearer and stronger sense of individuality and a deeper understanding of the social world as well.

These features of the environment that promote deep thinking are compatible with cognitive-developmental theories positing that cognitive growth is fostered by incongruity or dissonance (Piaget's disequilibrium). To learn or grow cognitively, we need to recognize cognitive conflicts or contradictions, situations that psychologist Diane Ruble (1994) argues then lead to a state of uncertainty, instability, and possibly anxiety (see also Acredolo &

O'Connor, 1991; Doise & Palmonaari, 1984; Berlyne, 1970). "Such a state may occur for a number of reasons," Ruble says. "It may be generated either internally via the recognition of incompatible cognitions or externally during social interaction. The latter is particularly relevant to many types of life transitions, because such transitions are likely to alter the probability of encountering people whose viewpoints differ from one's own" (p171).

A university composed of racially and ethnically diverse students (what I refer to as "structural diversity"), a curriculum that deals explicitly with social and cultural diversity, and interaction with diverse peers produce a learning environment that fosters conscious, effortful, deep thinking. For most of our students, the social diversity of the University of Michigan creates the discrepancy, discontinuity, and disequilibrium that are so important for producing the mode of thought educators must demand from their students. Vast numbers of white students (about 92 percent) and about half (52 percent) of the African American students come to the University of Michigan from segregated backgrounds. As groups, only our Asian American and Latino/a students arrive here already having encountered considerable diversity in their pre-college experience (see Appendix E). Thus, for most of our students, Michigan's social diversity is

- new and unfamiliar;
- discrepant from their pre-college social experiences;
- a source of multiple and different perspectives;
- and likely to produce contradictory expectations.

These are the very features of an environment that research has determined will foster active, conscious, effortful thinking -- the kind of thinking needed for learning in institutions of higher education.

The work of higher education researcher Patricia King and colleagues (King and Shuford, 1996; King and Kitchener, 1994) supports this conclusion. They contend that college students (and adults for some time after college) are developing from a pre-reflective stage of judgment, when they depend on direct, personal observation or the word of an authority figure, toward more substantiated and qualified claims, and then to an even more advanced stage, when thinking is fully reflective. At the reflective level, students work from the assumption that knowledge is not given but constructed and that they must construct it. In doing this, they need to consider the context from which knowledge claims are made. They must think deeply and effortfully to take into account multiple points of view, evaluate evidentiary claims, and draw conclusions based on conceptual soundness, coherence, degree of fit with the data, and meaningfulness. King further argues that social diversity -- having multiple voices in the classroom -- and the multicultural teaching strategy of presenting multiple perspectives from the points of view of race, class, and gender foster fully reflective thinking. Teaching students how to think about complex issues from different perspectives is a primary goal of higher education.

Although the scholars advancing these arguments about the importance of unfamiliarity, discrepancy/discontinuity, multiplicity/diversity, and contradictoriness of expectations generally have not measured the explicit effect of racial diversity, some empirical research on the diversity of small working groups directly supports our claims. It has been shown that members of heterogeneous working groups offer more creative solutions to problems than those in homogeneous groups (Cox, 1993; McLeod, Lobel, & Cox, 1996). They show greater potential for critical thinking, perhaps because heterogeneity of group members eliminates a problem termed "group think" (Janis, 1982), an organizational situation in which group members mindlessly conform.

The empirical analyses presented later in this Report directly test the theoretical arguments I am advancing for the impact of racial diversity on student learning. All of these analyses confirm that racial and ethnic diversity is especially likely to increase effortful, active, engaged thinking when universities set up the conditions that capitalize on these positive environmental features, namely when they offer courses that deal explicitly with racial and ethnic diversity and when they provide a climate in which students from diverse backgrounds frequently interact with each other.

Democracy Outcomes

Education plays a foundational role in a democracy by equipping students for meaningful participation. Students educated in diverse settings are better able to participate in a pluralistic democracy. Democracy is predicated on an educated citizenry. Students educated in diverse settings are better able to participate in our democratic process. In this Report, I refer generally to these types of benefits of diversity as "democracy outcomes."

In Fear of Diversity (1992), political scientist Arlene Saxonhouse details the debates that took place in ancient Greece about the impact of diversity on capacity for democracy. Plato, Saxonhouse says, envisioned a city-state in which unity and harmony would be based on the shared characteristics of a homogeneous citizenry (though even he warned against striving for too much unity). However, it was Aristotle who was able to overcome the fear and welcome the diverse. "Aristotle embraces diversity as the others had not . . . . The typologies that fill almost every page of Aristotle's Politics show him uniting and separating, finding underlying unity and significant differences" (Saxonhouse, p. 235). Aristotle advanced a political theory in which unity could be achieved through differences, and contended that democracy based on such a unity would be more likely to thrive than one based on homogeneity. What makes democracy work, according to Aristotle, is equality among citizens who are peers (admittedly only free men at the time, not women and not slaves) but who hold diverse perspectives, and whose relationships are governed by freedom and rules of civil discourse. It is discourse over conflict, not unanimity, that helps democracy thrive (Pitkin & Shumer, 1982).

The theory of democracy that has prevailed in the United States is more akin to Plato's than to Aristotle's conception. It is the Republican tradition, represented by Rousseau on through Jefferson, in which democracy and citizenship are believed to require social homogeneity, simplicity, and an overarching common identity, rather than social diversity, complexity, and multiple identities. The model is the town meeting where people from similar backgrounds, familiar with each other, and interdependent through similarity and familiarity, come together to debate the common good.

The increasingly heterogeneous population in the United States challenges this conception of democracy. Little wonder that we are now facing cultural, disciplinary, and political debates over the extent to which our American democracy can survive with so much heterogeneity and so many group-based claims in the polity. Yet, it is clear that ethnic hierarchy or one-way assimilation, both of which call for muting of differences and cultural identities, is much less likely to prevail in the future than in the past (Fredrickson, in press). Our students, as leaders of the future, need to learn how to accept diversity, negotiate conflicts, and form coalitions with individuals and groups if they are to become prepared to be leaders in an increasingly heterogeneous and complex society.

Piaget also emphasizes diversity, plurality, equality, and freedom. In his theory of intellectual and moral development, Piaget argues that children and adolescents can best develop a capacity to understand the ideas and feelings of others -- what he calls "perspective taking" -- and to move to a more advanced stage of moral reasoning when they interact with diverse peers who are also equals. Both diversity and equality in the relationship are necessary for intellectual and moral development. In a homogeneous environment, in which young people are not forced to confront the relativity or limitations of their points of view, they are likely to conform to a single perspective defined by an authority. Without being obliged to discuss and argue with others on an equal basis, they are not likely to do the cognitive and emotional work that is required to understand how other people think and feel. Piaget contends that children do not grow in perspective-taking skills in their relationships with parents, because they are apt to accept rather than debate what parents say. With peers, they debate and actively confront multiple points of view. They also have to deal with the strong emotions that such controversy engenders. It is these cognitive and emotional processes that promote the advanced morality that is so needed to make a pluralistic democracy work.

Several dimensions of development of the capacity for democracy can be discerned from these theories. The conditions deemed important include:

- the presence of diverse others;
- equality among peers;
- and discussion under rules of civil discourse.

These conditions are thought to produce perspective taking, mutuality and reciprocality, acceptance of conflict as a normal part of life, acceptance of difference and capacity to perceive commonality amidst the differences, interest in the wider social world, and citizen participation. Using these dimensions, I have empirically tested effects of diversity in a higher education setting on the capacity for democracy. All of these analyses confirm a positive relationship between racial diversity experiences during college and the capacity for participation in a pluralistic democracy.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents
Next "Gurin" Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

CONCEPTUAL MODEL OF THE IMPACT OF DIVERSITY

The impact of diversity operates through what this Report calls structural diversity, classroom diversity, and informal interactional diversity. To demonstrate its effects, I analyzed national multi-institutional CIRP data, data from the Michigan Student Study, and classroom data from Michigan's Intergroup Relations, Conflict, and Community Program.

The structural diversity of an institution refers primarily to the racial and ethnic composition of the student body. Increasing the numerical representation of various racial/ethnic and gender groups is the first essential step in the process of creating a diverse learning environment (Hurtado, Milem, Clayton-Pederson & Allen, 1998). Structural diversity alone will present discontinuity for the vast proportion of college students who come from racially segregated pre-college environments -- students of color as well as white students. Historically, dramatic changes in higher education followed the enrollment of women and racially/ethnically diverse students. The increases in diverse student enrollments that have occurred as a result of affirmative action and other factors have resulted in pressures for institutional transformation of the academic and social life at colleges across the country.

One dimension of this institutional transformation is classroom diversity, or the incorporation of knowledge about diverse groups into the curriculum that colleges and universities present to this more diverse array of students. This has largely been the result of the recruitment of more faculty who include content and research on different groups in college coursework (Chang, 1996). Other examples of curricular change are the development of ethnic studies and women's studies programs, co-curricular academic support programs, and multicultural programming (Trevino, 1992; Munoz, 1989; Peterson et al, 1978). The positive learning and democracy outcomes empirically linked to these rich curricular offerings and multicultural occur in the context of structural diversity.

Equally important is informal interactional diversity, the opportunity to interact with students from diverse backgrounds in the broad, campus environment. College often provides the first opportunity for students to get to know others from varied racial and ethnic backgrounds. It is interaction with a student's peer group that becomes one of the most influential aspects of the college experience (Astin, 1993), and most college alumni agree that their affiliations with peers made their education memorable.

The impact of structural diversity depends greatly on classroom and informal interactional diversity. Structural diversity is essential but, by itself, usually not sufficient to produce substantial benefits; in addition to being together on the same campus, students from diverse backgrounds must also learn about each other in the courses that they take and in informal interaction outside of the classroom. For new learning to occur, institutions of higher education have to make appropriate use of structural diversity. They have to make college campuses authentic public places, where students from different backgrounds can take part in conversations and share experiences that help them develop an understanding of the perspectives of other people. Formal classroom activities and interaction with diverse peers in the informal college environment must prompt students to think in pluralistic and complex ways, and to encourage them to become committed to life-long civic action. In order to capitalize amply on such opportunities for cognitive growth, institutions of higher education must bring diverse students together, provide stimulating courses covering historical, cultural, and social bases of diversity and community, and create opportunities and expectations for students to interact across racial and other divides. Otherwise, many students will retreat from the opportunities offered by a diverse campus to find settings within their institutions that are familiar and that replicate their home environments.

This conclusion from recent research literature on diversity in higher education conforms to a richly supported conclusion from many years of social psychological research on social contact. Contact between groups is most likely to have positive effects when contact takes place under particular intergroup conditions: equal group status within the situation where the contact takes place, common goals, intergroup cooperation, support of authorities for group equality, and opportunities for group members to know each other as individuals (Allport, 1954; Amir, 1976; Cook, 1984; Pettigrew, 1991). Not surprisingly, we have now learned that the greatest positive effects of diversity in higher education occur in institutions that have created opportunities for students to have these kinds of contact. The University of Michigan is one of those institutions that has created opportunities in classes and in the informal student environment for structural diversity to affect student learning and preparation for participation in a democratic society.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents
Next "Gurin" Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

EMPIRICAL RESULTS FROM THE ANALYSES CONDUCTED FOR THIS LITIGATION

The Effect of Structural Diversity on Classroom and Informal Interactional Diversity

An important question to examine first is whether structural diversity -- the degree to which students of color are represented in the student body of a college -- shapes classroom diversity and opportunities to interact with diverse peers. It is through these diversity experiences that growth and development occur among college students. To test this hypothesis, I use data from the national CIRP data base.

As noted above, the CIRP data were collected from nearly two hundred colleges and universities. Since there is a wide variation in the percentage of the undergraduate population who were students of color at these institutions, I was able to examine the effects of structural diversity. As shown in Figure 1, given that structural diversity is an institutional characteristic (as opposed to one that describes individual students), the most important consideration is the degree to which structural diversity changes the educational dynamics on a campus. In order to examine the degree to which structural diversity helps create conditions that promote student outcomes through classroom diversity and interactional diversity, I examined the relationships between structural diversity and each of the measures of curricular and interactional diversity that were available in the CIRP national data.

Structural diversity had significant positive effects on classroom diversity and interactional diversity among all students. Attending a diverse college also resulted in more diverse friends, neighbors, and work associates nine years after college entry. This is strong evidence that structural diversity creates conditions that lead students to experience diversity in ways that would not occur in a more homogeneous student body.

This key finding is supported by evidence in Table 1 indicating that classroom diversity and informal interactional diversity would be significantly lower without a diverse student body. In addition, the fact that these relationships are significant creates the possibility that structural diversity will also affect student outcomes (not just experiences) in indirect ways (e.g., through classroom diversity and interactional diversity). These indirect effects can only occur if the measures of classroom diversity and/or interactional diversity are significantly related to the student outcome measures, which is the major focus of the results in the next sections. (1)

Table 1
How the structural diversity of campuses helps create conditions and opportunities that promote learning and democracy outcomes

Effect of structural diversity on:	Is effect significant?	Direction of effect?
Enrolling in an ethnic studies course	Yes	Positive
Attending racial/cultural awareness workshop	Yes	Positive
Discussing racial/ethnic issues	Yes	Positive
Socializing across race	Yes	Positive
Having close friends in college from other racial backgrounds	Yes	Positive

Notes: Based on all CIRP respondents. Significance measured at $p < .05$. Structural diversity measured as percentage of undergraduates at student's freshman college who were students of color.

Structural diversity also had dramatic long-term effects on the likelihood that white students who had grown up in predominantly white neighborhoods would live and work in diverse settings after college. Figure 2 illustrates the effects of attending a college with a diverse student body. White students who attended colleges with 25 percent or more minority enrollment, as contrasted to white students who attended colleges with very low minority enrollment, were much more likely to have diverse friendships after leaving college and to live in diverse neighborhoods and work in settings where co-workers were diverse. These results are also confirmed in previous long-term studies that show college represents a critical opportunity to change intergroup interaction patterns and to disrupt the pattern of social, residential, and work-place segregation. Segregation tends to be perpetuated over stages of the life cycle and across institutional settings. (See Appendix B.) Majority and minority individuals whose childhood experiences take place in schools and neighborhoods that are largely segregated are likely to lead their adult lives in largely segregated occupational and residential settings. College is a uniquely opportune time to disrupt this pattern. Moreover, we know that previously segregated minority students who attend structurally diverse colleges and universities are more likely to find themselves in desegregated employment and to work in white-collar and professional jobs in the private sector. Wells and Crain (1994) suggest that the networking students are able to do in structurally diverse schools is an important explanation for later employment in desegregated work settings. Thus, if institutions of higher education are able to bring together students from various ethnic and racial backgrounds at the critical time of late adolescence and early adulthood, they have the opportunity to disrupt an insidious cycle of lifetime segregation that threatens the fabric of our pluralistic democracy.

The institutional study of the University of Michigan (MSS) also shows important positive qualities of interaction with diverse peers afforded by Michigan's degree of structural diversity (approximately 25 percent minority enrollment). In the public discourse and controversy over the increasing diversity on our college campuses, critics claiming that diversity has had unfortunate consequences on college campuses have pointed to the supposedly negative nature of interracial interaction on diverse campuses. As I detail in Appendix E, the data from the Michigan Student Study clearly disprove this contention. While there is considerable selection of same-race peer groups among white and African American students at the University of Michigan, this pattern reflects thesegregation of their pre-college high schools and neighborhoods, not a reaction to their university experience with diversity. White students, particularly, come from segregated backgrounds, but the amount of their contact with students of color increases at Michigan. Moreover, the quality of these interactions is predominantly positive, involving the sharing of academic, social, and personal experiences -- the type of cooperative and personal relationships that I have argued promote learning and such democracy outcomes as interracial understanding, and perspective-taking. In general, this also happens for students of color at Michigan, as detailed in Appendix E.

The Effect of Diversity Experiences on Learning Outcomes

The results show strong evidence for the impact of diversity on learning outcomes. Students who had experienced the most diversity in classroom settings and in informal interactions with peers showed the greatest engagement in active thinking processes, growth in intellectual engagement and motivation, and growth in intellectual and academic skills. (See Tables C1, 2; M1, 2; I1.)

This general conclusion is supported by five major points that can be drawn from the analyses conducted for this litigation.

1. The analyses show a striking pattern of consistent, positive relationships between student learning in college and both classroom diversity and informal interactional diversity. These results are consistent across several dimensions:

- racially/ethnically different student populations (African American, white, and Latino Students);
- multiple learning outcome measures designed to capture students' active thinking processes, intellectual skills and abilities, and motivations for educational progress;
- three different studies of the college experience (CIRP, MSS, and IRGCCP); and
- time periods spanning college attendance for four years and sustained effects five years after college.

2. The results are especially impressive for white students. (See Tables C1, M1, I1, (2)) Virtually all of the relationships between classroom diversity and learning outcomes, and between informal interactional diversity and learning outcomes, in the CIRP and IRGCC studies were positive and significant. Almost half of the relationships in the MSS were also positive and significant, and none was negative. White students with the most experience with diversity during college demonstrated:

- the greatest growth in active thinking processes as indicated by increased scores on the measures of complex thinking and social/historical thinking (confirmed in the MSS and IRGCC studies);
- growth in motivation in terms of drive to achieve, intellectual self-confidence, goals for creating original works (confirmed in the CIRP study);
- the highest post-graduate degree aspirations (confirmed in both CIRP & MSS studies);
- and the greatest growth in students values placed on their intellectual and academic skills (confirmed in the CIRP study).

3. The results for white students' learning outcomes in the national study persisted across time (see Table C1). Five years into the post-college world, white graduates who had experienced the greatest classroom diversity and informal interactional diversity during

college still demonstrated the strongest academic motivation and the greatest growth in learning (confirmed in the CIRP study). They also placed greater value than other white graduates on intellectual and academic skills as part of their post-college lives (confirmed in the CIRP study).

4. The results from the Michigan Student Study show that it is the quality of cross-racial interaction that affects white students' growth in active thinking and their graduate school intentions (see Table M1). Since few other studies in higher education have attempted to measure the positive and negative quality of interaction with diverse peers, these results are quite important. They support the amply documented conclusion from social contact studies that the quality of intergroup contact influences the hearts and minds of individuals.

5. The results also show a positive impact of diversity on African American and Latino students in the national study and on African American students in the Michigan Student Study (see Tables C2 and M2). (3) Fewer effects were significant for African American and Latino students, likely because of the much smaller sample size of these student groups. A few differences for African American students are worth noting:

- Interaction with diverse peers was more consistently influential than classroom diversity for the learning outcomes of African American students (CIRP and MSS). This indicates the importance of peer interaction but also probably reflects the fact that for African American students, classroom content on issues of race and ethnicity provides a less novel perspective. They have grown up in communities and in a society where the pervasiveness of issues related to race has given them non-academic knowledge of these issues.

- There was also evidence that having close friends of the same race was related positively to two learning outcomes for African American students. Those African American students whose close friends were also African American felt that education at Michigan had been more intellectually engaging. African American students in the national study who had close friends of the same race were more likely than other African American students to value general knowledge in their early post-college years (see Table C2).

- Together these findings on the learning outcomes of African American students reveal the influential role of interaction with diverse peers and the particular role of interaction with peers of the same race, indicating that peer interaction must be considered in more complex ways for African American students. These findings suggest the supportive function of group identity for African American students, and the potentially positive effects of having sufficient numbers of same-race peers, as well as opportunities for interracial interactions on diverse campuses.

- Finally, the results from the CIRP study show that cumulative grade point average related differently to classroom diversity for African American and Latino students (see Table C2). African American students who had taken the most diversity courses earned somewhat lower grades, while Latino students who had taken the most diversity courses earned higher grades. Since for white students there was only one relationship between grade point average and diversity relationships (higher grade point average for white students who discussed racial issues), we conclude that these different results for African-American, Latino, and white students come from the ambiguity in the meaning of grades in various disciplines and schools. That ambiguity is so great that it is difficult to find consistent relationships between grades and student experiences.

Effects of Diversity Experiences on Democracy Outcomes

The results strongly support the central role of higher education in helping students to become active citizens and participants in a pluralistic democracy. Students who experienced diversity in classroom settings and in informal interactions showed the most engagement in various forms of citizenship, and the most engagement with people from different races/cultures. They were also the most likely to acknowledge that group differences are compatible with the interests of the broader community. (See Tables C3, 4; M3, 4; I2).

This general conclusion is supported by four main points that can be drawn from the analyses conducted for this litigation.

1. As with learning outcomes, there is a striking and consistent pattern of positive relationships between democracy outcomes and both classroom diversity and informal interactional diversity. The consistency is evident across race/ethnicity, across a broad range of democracy outcomes that include both values and behaviors, across levels of studies, and most importantly, across time, as students entered into adult roles.

2. Virtually all types of racial/ethnic diversity experiences in college had a positive influence on white students citizenship engagement and racial/cultural engagement four years and nine years after college entry.

- Classroom diversity was associated with every form of citizenship engagement and racial/cultural engagement among white students (confirmed in all three studies--see Tables C3, M3, and I2).
- Equally important to democracy outcomes were informal interactions with diverse peers: white students who had such experiences demonstrated greater understanding that group differences are compatible with societal unity (confirmed in both Michigan studies), greater citizenship engagement (confirmed in all three studies), and greater racial/cultural engagement (confirmed in CIRP and MSS studies).
- The Michigan study revealed that quality as well as quantity of interaction influenced democracy outcomes for white students (see Table M3). White students who had positive interactions with diverse peers demonstrated desirable democracy outcomes, while those who had negative interactions were least likely to perceive commonalities with other groups and least likely to understand the perspectives of others. Further, white students who had interacted frequently across racial and ethnic lines also showed greater citizenship engagement and engagement with racial and cultural issues at the end of college and five years after leaving college (see Table C3).

3. The results also show a consistent pattern of positive diversity effects on democracy outcomes for African American and Latino students in the national study and for African American students in the Michigan Student Study, although as with the learning outcomes fewer effects were significant because of the smaller sample sizes of these student groups. There is one notable difference in understanding how diversity affects the democracy outcomes for students of color, as compared to white students:

- Having close friends of the same race/ethnicity on a predominantly white campus is important for some democracy outcomes for students of color (see Table C4). Nine years after college entry, African American and Latino students who reported having close friends of the same racial/ethnic background during college tended to participate in community service because they wished to improve their community. African American students who reported having close friends of the same race during college also reported growth in racial/cultural engagement after four years, and various citizenship engagement activities and values after nine years. As noted on the positive learning outcomes of African American students with a high proportion of same-race friends in college, these findings very likely reflect the significance of group identity for students of color. These findings suggest that group identity is particularly important as a basis not only for involvement in racial issues but for broader community involvement as well.

4. An increased sense of commonality with other ethnic groups among white and African American students at the University of Michigan was evident among students who had interactions with diverse peers (confirmed in the MSS -- Table M4). The classroom study of the Intergroup Relations, Conflict, and Community Program at the University of Michigan also revealed growth in mutuality or enjoyment in learning about both one's own background and the backgrounds of others, more positive views of conflict, and the perception that diversity is not inevitably divisive in our society. In sum, these results reveal that Michigan graduates who participated in interactions with diverse peers were comfortable and prepared to live and work in a diverse society --- an important goal of our educational mission.

The Effect of College Diversity Experiences on Living in a Diverse Society

Diversity experiences during college had impressive effects on the extent to which graduates in the national study were living racially or ethnically integrated lives in the post-college world. Students who had taken the most diversity courses and interacted the most with diverse peers during college had the most cross-racial interactions five years after leaving college. This confirms that the long-term pattern of segregation noted by many social scientists can be broken by diversity experiences during college. (See Tables C5-C6.)

This general conclusion is supported by three main points from the analyses of the nine-year CIRP data. (The Michigan studies did not include post-college follow-ups.)

1. Once again, the analyses show considerable consistency of effects across racial/ethnic student populations, and across many measures of post-college life.

2. The effect of diversity on white graduates outcomes related to living in a diverse society was especially impressive (see Table C5). Virtually all of the possible relationships between college diversity and post-college diversity were significant, and all but one of these relationships were positive. It is important to remember, as described in Figure 2 above, that structural diversity also directly increased the likelihood that white graduates would live and work in post-college diverse settings. In addition, structural diversity fostered the college diversity experiences that further increased white graduates' likelihood of living racially and ethnically integrated lives after leaving college. Together these direct and indirect effects of structural diversity are striking results of the CIRP study. Specifically, the findings show for white graduates:

- College interaction with diverse peers was especially influential in accounting for integrated racial patterns of post-college friendships, neighborhoods, and work associates. College interaction with diverse peers also affected virtually every long-term outcome.
- White graduates who had taken a diversity course and had the most interaction with diverse peers during college were more likely to discuss racial issues and socialize across race in the early post-college years. Both classroom diversity and informal interactions were associated with feeling the most prepared for graduate school, while informal interactions with diverse peers was associated with feeling that their undergraduate education prepared them for their current job.

3. Similar to white students, interaction with diverse peers during college was related to interaction with people from diverse backgrounds in the post-college world for African Americans and Latinos. The college experience was also important in breaking the pattern of segregation for these students of color, which is particularly noteworthy given the

probability that both African Americans and Latinos come from minority neighborhoods (Orfield, et al., 1997). For the most part, the relationship between diversity and skills and experiences related to living in a diverse society was positive, but once again, there were fewer significant effects for African American and Latino students (see Table C6). Some specific effects are worth noting.

- For African Americans, college interaction with diverse peers was more influential than classroom diversity in accounting for later racial patterns of association, and the same was true for the learning outcomes of African American students. (These two types of college diversity experiences had more equal influence on living in a diverse society for both Latinos and white graduates.)
- Although interaction with diverse peers in college was clearly influential for both African Americans and Latinos, there were also some positive effects of interacting with same-race peers as well. African American and Latino graduates whose close friendship groups in college included students of the same race/ethnicity were more likely to discuss racial issues after college. The results show that discussing racial issues in the post-college world was fostered for both groups by informal interaction across race and ethnicity but also by same-race close friendship groups in college.

The Importance of Both Classroom and Informal Interactional Diversity

Throughout this presentation of results, I have noted the general impact of both classroom and informal interactional diversity experiences.

Figures 3 and 4 provide illustrative visual evidence from the CIRP study for the impact of both types of diversity. (The measure of interaction in these figures summarizes across all kinds of informal interaction to give a total score for each student. That summary measure was then related to learning and democracy outcomes.) These figures show dramatically that students who had the most exposure to diversity in classes, as compared to students with the least classroom diversity, were more intellectually engaged and motivated, more engaged with intellectual and academic skills, and more engaged in citizenship in the post-college world. This was also true of students who had the most interaction with diverse peers outside of the classroom, as compared to those who had the least informal interactional diversity experience.

Similar conclusions can be drawn from the analyses of the MSS and IRGCC studies, as shown in Figures 5 to 10, which indicate that both types of diversity influenced learning and democracy outcomes. The figures for the Michigan studies illustrate positive effects of classroom and informal interactional diversity on outcomes that were not measured in the CIRP study, namely active thinking and acknowledgment of differences as compatible with societal unity.

★Figure 5

★Figure 6

★Figure 7

★Figure 8

★Figure 9

★Figure 10

Classroom and informal diversity are part of an interconnected diversity experience that structural diversity fosters, and both are critical to the impact of college diversity on enhanced learning and preparing to participate in a democratic society. While my techniques of data analysis have enabled me to separate classroom and informal interactional diversity experiences and to demonstrate that each has separate, independent statistical effects, it should be recognized thatin the real campus world, this separation is somewhat artificial. In the campus environments that were studied nationally and institutionally at the University of Michigan, classroom diversity inevitably included both content about race and ethnicity and interaction with students from diverse backgrounds who also took such courses. Informal interaction with diverse peers outside of the classroom, moreover, offered students opportunities to acquire knowledge about race and ethnicity in these relationships.

The most striking results showing the importance of interconnected diversity experiences come from the two Michigan studies. In the campus-wide study (MSS), two diversity experiences -- participation in a dialogue group involving two identity groups with different perspectives, and participation in multicultural events -- combined content and interaction with diverse peers. In both dialogue groups and multicultural events, students were exposed to new knowledge about race and ethnicity, much as would happen in a formal course, and they were offered opportunities to interact with students from other backgrounds. This interaction was an explicit part of dialogue groups and inevitably as an aspect of multicultural events, which are nearly always organized by diverse groups of students. For white students, participating in dialogue groups and multicultural events had consistently positive effects on both learning and democracy outcomes (See Table M1 and M3).

The Intergroup Relations, Conflict, and Community Program also explicitly integrates content and interaction with diverse peers. It presents academic materials about race and ethnicity in a formal classroom, and requires students taking the class to interact across racial and ethnic lines by participating in an intergroup dialogue associated with the formal course. The results are clear, consistent, and supportive of my arguments about the impact of diversity on student development (See Tables I1 and I2.) Students who took part in the IRGCC as first-year students, compared to a matched sample who did not participate in this program, showed greater growth over four years in active thinking, stronger citizenship engagement as seniors, greater acceptance of difference as compatible with societal unity, greater growth in perspective taking, greater mutuality in orientations toward their own groups and toward other groups, and greater understanding of conflict as a normal, indeed healthy, aspect of social life.

These two Michigan studies amply demonstrate through their widespread effects on both learning and democracy outcomes that classroom diversity and informal interactional diversity together have impressive effects as interconnected aspects of campus diversity.

"Gurin" Table of Contents

"Compelling Need..." Table of Contents **Next "Gurin" Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

THE STUDIES: METHOD AND MEASURES

Study Methods

To determine how learning and democratic sentiments are related to structural, informal interactional, and classroom diversity, as our theoretical review suggests that they should be, I reviewed the literature (see Appendix B) and undertook three new sets of analyses developed specifically for this litigation. These systematic analyses were designed to provide scientific insight into the processes by which students are changed by their college experiences. I use research data specifically collected from students at the University of Michigan, as well as data collected from students attending colleges and universities across the country.

Before reviewing the conclusions based on this research evidence, it is important to convey a general sense of the approach that was used in these investigations (Appendix C provides a complete technical description of the analyses). The approach was based on standard, generally accepted methods for analyzing data that were collected by ongoing programs of research on college students. As developed through decades of research on college students, the approach has two characteristics, each of which is an essential aspect of the quality and soundness of the results:

Data over time. *Growth and development among college students obviously takes place over time. As a result, the most effective research approaches use data collected from the same individuals at more than one time point. This so-called "longitudinal" approach, in which researchers collect information from students on two or more occasions, allows for a systematic analysis of how students grow and develop by comparing data collected from individuals at one time to data collected from these same individuals at later points in time. Moreover, by comparing patterns of growth with the educational conditions and activities that students experience between the collection of data, it becomes possible to understand how different experiences promote growth and development among college students.*

Taking choices and consequences into account. *In studying students over time it becomes apparent that individuals do not make choices randomly, nor do they leave their previous attitudes and experiences at the front doors when they enter their colleges. As a result, the choices that students make (and the consequences that these choices have) need to be taken into account in order to make sound judgments about how campus experiences affect students.*

For example, we are likely to find that students majoring in mathematics and science have growing interest in science, as compared to those majoring in the humanities. While this may seem to prove that growth in scientific interest is caused by majoring in science, it is important to recognize that those who were drawn into science majors are likely to have been more interested in science when they entered college. In order to make a fair judgment about whether majoring in science or the humanities is differentially related to growth in science interest, we need first to take into account the initial differences in interest between these

> *two groups.*
>
> *Similarly, to study the growth and development of learning and democracy outcomes as related to diversity experiences, it is important to take into account (or control for) differences across individuals in terms of their initial position on learning and democracy outcomes, as well as their likelihood to be drawn to more intensive diversity-related experiences. I accomplished this through either statistical approaches or through matching students who did or did not have a diversity experience, as in the study of the Intergroup Relations, Conflict, and Community Program.*

The results I present here provide a conservative estimate of diversity's effects, in that the analyses consistently allow other variables in the analysis (i.e., characteristics of colleges and entering characteristics of students) a greater opportunity to account for, and possibly explain away, the influence of campus diversity on college students. Whereas in baseball a tie always goes to the runner, in these analyses a "tie" always goes against the diversity explanation. Despite the fact that this approach tends to diminish the likelihood of demonstrating effects related to diversity, it is important to take these relationships into account in order unambiguously to demonstrate change related to diversity. In sum, this approach ensures that where I report significant effects related to diversity, they are truly diversity effects, as opposed to being a consequence of the characteristics, choices, and preferences that students bring with them to college.

The data bases used for the analyses span a broad range of approaches typically used to study college student development issues. For example, I analyzed data provided by the Cooperative Institutional Research Program (CIRP) and the UCLA Higher Education Research Institute that were collected from 9,316 students attending nearly two hundred colleges and universities. In addition to the national perspective provided by the CIRP data, I also analyzed data from the Michigan Student Study (MSS) provided by 1,321 students on the educational dynamics of diversity on the Michigan campus. The data came from a series of extensive questionnaires given to all undergraduate students of color and a large, representative sample of white students at the time they entered the University of Michigan in 1990, and again at the end of their first, second, and senior years. A more specific study, focused on the Intergroup Relations, Community, and Conflict (IGRCC) Program, demonstrates these dynamics related to a specific diversity initiative at the University of Michigan.

Primary Variables in the Studies

Figure 1 graphically shows the elements of the research approach used in the three sets of analyses developed for this litigation. Variables identified in the box in the upper left corner of Figure 1 (student background characteristics) represent control variables across the studies, and while these are not of primary substantive interest, they are important considerations in the analyses because they represent the previous choices, preferences, and experiences of students that, unless taken into account, could have influenced the outcomes and caused me to overestimate the effects of diversity.

The primary variables of interest are those related to campus diversity in its many forms (represented in the center of Figure 1). I was interested in understanding how these variables affect (or predict) different student outcomes. Therefore, each analysis contains a variable representing a student's level of contact with classroom diversity and a variable representing a student's informal interactional diversity. Structural diversity is also directly represented in the analyses that are based on data from the national study of many institutions, as these institutions vary in the degree to which they attract and enroll a diverse student body.

As detailed below (as well as in Appendix C), not all of the elements shown in Figure 1 were available in each of the three sets of studies. Although the studies were designed to be as parallel as possible, differences in questions asked and in research design made identical analyses impossible. The most obvious example of this is the omission of the information on institutional characteristics -- especially structural diversity -- from the analyses of data on the single institution, the University of Michigan. This is obvious given that while institutional characteristics vary across institutions, they do not vary for a single institution except over time.

I examined classroom diversity in all studies. It was measured in the CIRP study by students' enrollment in ethnic studies courses in college. In the Michigan Student Study, it was measured by the extent to which students were exposed to and influenced by classes that dealt with issues of race, ethnicity, and interracial relationships.

I also examined informal interactional diversity in all three studies. In the CIRP and Michigan Student Study, the measures covered a broad range of ways in which informal interactions occur on campus. In both studies, distinctions were made between the diversity of a student's closest friendships and more general interracial interactions on campus. Within the latter, both studies also distinguished between the amount of interracial socializing and the extent to which these interactions involved discussions about racial issues and attempts to deal with those issues. In addition, the Michigan Student Study included questions on the quality of these campus interracial interactions, whether they were positively personal and honest, or negatively cautious, guarded and somewhat hostile.

The intensive study of the University of Michigan's Program on Intergroup Relations, Conflict, and Community provided the opportunity to examine the combined effect of classroom and informal interactional diversity. This Program integrates a classroom experience with explicit interaction with diverse peers, using dialogue groups that were built into the formal class on intergroup relations.

Major Outcomes and Their Relationship to My Theoretical Arguments for the Impact of Diversity

Since I was able to conduct analyses to understand how diversity influences student learning and democracy outcomes at the national level, the institutional level (focusing on the Michigan context), and at the level of a classroom in which interaction with diverse peers was fully integrated with curricular content, I was able to take an increasingly close look at the impact of diversity. Together, these analyses are akin to macro- and microscopic looks at how diversity works at various levels. Although the studies were not originally designed to have parallel measures, they did include similar concepts, which can be grouped into long-term learning and democracy outcomes.

The outcomes I examined conform to the learning and democracy consequences that I discussed above in my theoretical statement. I argued that a more diverse university environment stimulates a more active engagement in the learning process and results in the development of less automatic and more complex thinking about issues and causality, as well as in the greater learning that comes from this engagement. The major categories of learning outcomes, therefore, refer to measures of:

- growth in active thinking processes that reflect a more complex, less automatic mode of thought (in the MSS and IRGCC studies),
- engagement and motivation (included in both the CIRP and MSS),
- learning of a broad range of intellectual and academic skills (in the CIRP study),
- and value placed on these skills in the post-college years (in the CIRP study).

With respect to democracy outcomes, I argued that students educated in diverse institutions are more motivated and better able to participate in an increasingly heterogeneous and complex society. I reasoned that to participate effectively, students have to (1) learn to understand and consider the multiple perspectives that are inherent in a diverse environment; (2) deal with the conflicts that different perspectives sometimes entail; and (3) appreciate the common values and integrative forces that incorporate these differences in the pursuit of the broader common good. The major categories of democracy outcomes refer to:

- citizenship engagement (in all three studies),
- racial/cultural engagement (CIRP and MSS),
- and compatibility of differences (in MSS and IRGCC).

"Citizenship engagement measures motivation to participate in activities that affect society and the political structure, as well as actual participation in community service in the five years after leaving college. It also includes a measure of understanding how others think about issues, what (as described earlier) is commonly called perspective-taking in cognitive psychology. "Racial/cultural engagement" measures cultural knowledge and awareness, and motivation to participate in activities that promote racial understanding. "Compatibility of differences" includes belief that basic values are common across racial and ethnic groups, understanding of the potential constructive aspects of group conflict, and belief that differences are not inevitably divisive to the social fabric of society.

In addition to these learning and democracy outcomes, the nine-year CIRP study has enabled me to study behaviors and perspectives, which I will call living and working in a diverse society. Attending a diverse college and participating in its educational and peer environments that utilized diversity should help break the pattern of perpetual segregation that so many social scientists have documented. To test this, I analyzed post-college interracial interaction patterns in friendships, neighborhoods, and work settings, and obtained graduates' views of how the college years had prepared them for graduate school and for jobs after college.

"Gurin" Table of Contents

"Compelling Need..." Table of Contents **Next "Gurin" Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

CONCLUSION

It is important to note that these compelling results come from data collected to assess changes in undergraduate learning and democracy due to key aspects of the college experience. The data were not collected specifically for this litigation. The studies were originally designed to help educators understand aspects of undergraduate education on campuses nationally, and specifically to help the University of Michigan understand how it was fulfilling its mission to educate a diverse student body. The breadth and depth of analyses performed here related to campus diversity experiences is unique for three reasons: (1) very few scholars have tested a theory about how diversity works within educational environments; (2) national data typically do not have extensive measures of both democracy and learning outcomes, and even fewer have adequate measures regarding classroom diversity and contact with diverse peers; and (3) no single institution has followed its students in relation to understanding diversity, and the quality of experiences students have in contact with diverse peers, each year of college attendance (for four years). One is not likely to find such detailed and multiple ways of understanding how diversity works in any single study currently in the research literature. Still, this broad and extensive analysis has many portions of it confirmed in other small and large studies in social science.

In short, this report presents both a theory of students' capacity to learn and acquire skills from diverse peers and a set of analyses equivalent to years of replication studies that strongly support the theory by showing that students, indeed, acquire a very broad range of skills, motivations, values, and cognitive capacities from diverse peers when provided with the appropriate opportunities to do so. A range of studies conducted in education, sociology, and psychology also confirms these results (see Appendix A), and taken together they reflect our collective advancement in understanding the opportunities and complexities that social diversity has presented to our educational institutions. In the face of this research evidence, one can only remain unconvinced about the impact of diversity if one believes that students are "empty vessels" to be filled with specific content knowledge. Much to our chagrin as educators, we are compelled to understand that students' hearts and minds may be impacted most by what they learn from peers. This is precisely why the diversity of the student body is essential to fulfilling higher education's mission to enhance learning and encourage democratic outcomes and values.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents
Next "Gurin" Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

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"Gurin" Table of Contents

"Compelling Need..." Table of Contents **Next "Gurin" Section**

APPENDIX B

THE IMPACT OF STRUCTURAL DIVERSITY, CLASSROOM DIVERSITY, AND INFORMAL INTERACTIONAL DIVERSITY ON EDUCATION: SOCIAL SCIENCE RESEARCH EVIDENCE

Much of the empirical analysis presented in the body of this Report is supported by work conducted by other researchers, many of whom have used different national and single-institution data bases than the ones employed for this litigation. There is a substantial body of empirical social science literature that explains aspects of how diversity in colleges and universities is linked with the education of students and their development of important learning and democracy outcomes. These studies confirm aspects of the empirical analyses conducted for this litigation as well as provide further support for the theoretical explanation of how diversity influences social interaction, students' cognitive processes, and ultimately educational outcomes that are important for a pluralistic democracy. This Appendix presents a review of that literature.

Given our history of race relations, diversifying communities and college campuses has not been without difficulties. After much trial, error, and opportunity to study successes and problems, institutions are realizing the benefits of incorporating diversity as a key part of their educational mission. Three points are becoming clear from years of research evidence: First, individuals who have been educated in diverse settings are far more likely to work and live in racially and ethnically diverse environments after they graduate; second, individuals who studied and discussed issues related to race and ethnicity in their academic courses and interacted with a diverse set of peers in college are better prepared for life in an increasingly complex and diverse society; and third, increasing the number of diverse students is essential, but colleges have to create the conditions to maximize learning and democratic outcomes in racially/ethnically diverse educational environments. These conclusions are evident in studies that monitor the impact of these various forms of diversity across one semester of course work, in the first year of college, over four years of college, and over the long term through work and residence in desegregated environments after college. These conclusions are drawn from many studies, some of which have yet to be published but have been presented in peer-reviewed research forums, representing the ongoing work of many scholars in the fields of psychology, sociology, and education.

RESEARCH ON THE IMPACT OF STRUCTURAL DIVERSITY

Evaluating the impact of structural diversity, or having a racially/ethnically diverse student body, in relationship to learning and democracy outcomes requires understanding the complexity that diversity presents in American society. Institutions of higher education that deliberately provide opportunities for positive intergroup interactions as they improve the representation of different racial/ethnic groups on campus are able to create the conditions for the positive effects of diversity on student development. As the educational institution becomes more multicultural in focus and its functioning, it is able to realize the benefits of various forms of diversity for all students. Research supports these different points and show that *structural diversity improves opportunities for interaction, which in turn, has positive effects on learning and democracy outcomes.*

Benefits of Structural Diversity: Opportunities for Interaction

Research studies show that attaining a diverse student body results in significantly more opportunities, inside and outside the classroom, for all students to interact with and learn from others of different racial and cultural backgrounds. Longitudinal studies show that white students are more likely to report socializing with someone from a different race and discussing racial issues on campuses with a heterogeneous student body (Chang, 1996). Further, attendance on a multicultural campus results in more diverse friendship groups, which in turn, is associated with more frequent interracial interaction outside of the friendship group (Antonio, 1998). These studies on college campuses reflect similar findings of studies in elementary and secondary schools: students who were engaged in racially diverse cooperative learning groups in desegregated schools also reported more cross-race friendships outside these groups (Slavin, 1985). Consistent with these findings, college campuses with high proportions of white students result in few interracial friendships (Springer, 1995). Low proportions of minorities provide limited opportunities for interaction across race/ethnicity, thereby limiting potential student learning experiences with diverse groups among white students (Hurtado, Dey, & Trevinño, 1994). These studies support the notion that the enrollment of socially and culturally different students is critical in shaping the dynamics of social interaction within educational environments.

Aside from opportunities for increased interaction, what are the benefits for white students attending racially/ethnically diverse campuses? Very few studies have attempted directly to test these effects as it applies to white students' academic and democratic outcomes in relation to structural diversity. Nevertheless, one national study found direct effects on democracy outcomes: After four years of college, greater social concern and humanitarian values were evident among white students attending predominantly white, public universities with relatively high levels of racial diversity (Deppe, 1989). This finding attests to increases in white students' interest in the betterment of society on more diverse campuses, an important democracy outcome. In a test of the impact of diversity on learning outcomes, Chang (1996) found most of the positive effects on students' learning outcomes to be associated directly with diversity-related experiences (informal interactions) which occur more frequently on campuses with diverse student bodies. Both Deppe (1989) and Chang (1996) (1) found very few direct relationships between diverse student enrollments and educational outcomes after four years of college, primarily because the quality of interracial contacts is a key determinant of many of these educational outcomes. Overall these studies support the notion that the benefits of a diverse student body can be maximized for individual students so long as the campus can develop opportunities for students to engage in positive social and academic interactions.

Adequate Representation

Adequate representation of racial/ethnic minorities is not only necessary to create opportunities for interactional diversity, but also because having too few students from underrepresented groups can produce negative effects for members of these minority groups. In environments that lack a diverse work force or population, underrepresented groups are regarded by majority group members as symbols rather than individuals, or as "tokens." In studies of severely underrepresented women, Kanter (1977) found that tokenism contributes to heightened visibility of the underrepresented group, exaggeration of group differences, and the distortion of the individuals' images to fit existing stereotypes. Additional studies confirm that severely underrepresented groups are more likely to underperform or think about dropping out of college, regardless of racial background and gender (Bynum & Thompson, 1983, Gosman, Dandridge, Nettles, & Thoeny, 1983;Spangler, Gordon, & Pipkin, 1978). For example, even white students on predominantly black campuses are found to undergo academic difficulties that some researchers attribute to their "minority status" (Bynum & Thompson, 1983; Gosman, Dandridge, Nettles, & Thoeny, 1983).

Adequate representation of racial/ethnic students is important for the academic success of African American and Hispanic college students as demonstrated in several national studies. After controlling for selectivity of college admissions and pre-college aspirations, both strong determinants of graduate degree aspirations, a recent longitudinal study showed increases in graduate degree aspirations among African American college students attending diverse colleges with black enrollments ranging from 9-49% (Carter & Montelongo, 1998). (2) Compared with African Americans attending these racially diverse colleges, counterparts at colleges with very low African American enrollments and at institutions with very high African American enrollments were significantly less likely to increase their graduate degree aspirations four years after college. Another national study showed that, controlling for selectivity in admissions, high-achieving Hispanic students perceive lower racial tension on college campuses with relatively higher Hispanic enrollments (Hurtado, 1994). Perceptions of relatively low racial tension are, in turn, associated with better college adjustment outcomes and sense of belonging to the institution (Hurtado & Carter, 1997; Hurtado, Carter, & Spuler, 1996). (3) These findings suggest that underrepresented groups (particularly women and racial/ethnic minorities) find the college environment more comfortable, experience less stereotyping, and are able to achieve progress when they are adequately represented on college campuses.

Disrupting the Effects of Segregation

Simply increasing the numbers of racially or culturally different groups in an organization can have the effect of increasing conflict among groups who have no significant previous experience with each other (Blalock, 1967). (4) The potential for conflict exists when racially/ethnically diverse students come to college because each group (White, African American, and Latino) is likely to come from segregated racial/ethnic neighborhoods and high school environments. Orfield, Bachmeier, James & Eitle (1997) found that "in the Northeast, the West, and the South, more than three-fourths of all Latino students are in predominantly non-white schools" (p.10), indicating a severe level of segregation across the nation. Statistics also show that segregation is increasing for African Americans across the country. In the state of Michigan in 1994, according to one study, approximately 60% of all black high school students were attending schools in Michigan that were 90-100% minority in racial composition, only 19% of blacks were attending majority white schools (Orfield, et al.,1997). Further, research shows that growing up in a predominantly white neighborhood often results in attending a college with a high percentage of white students (Springer, 1995). Therefore, colleges that strive to diversify their student body provide the first opportunity for students to encounter and learn from peers with different cultural values and experiences.

Lack of prior experience with diversity among college students explains why campus studies report conflict or perceptions of conflict with changing racial/ethnic enrollments, but these studies also begin to reveal how that conflict can be tempered in particular educational environments. One national study found that on predominantly white, four-year college campuses, white students' perceptions of racial tension were greater than on campuses with higher percentages of black enrollments. (Differences in racial/ethnic enrollments were not related to Black or Chicano students' perceptions of tension). However, this study also revealed that perceptions of racial tension were lowest in environments where White, Black, and Chicano students perceived the faculty and administration to be student-centered in their concerns for student academic and personal development (Hurtado, 1992). Thus, if students thought they were valued at the institution, they perceived less racial tension. Another study found that student transition to college was facilitated by "validating experiences" on campuses that indicate to students they are accepted and welcomed in the college community, that they can be successful, that previous work and life experiences are legitimate forms of knowledge, and that their contributions are valued in the classroom (Terenzini, Rendon, Upcraft, Millar, Allison, Gregg, & Jalomo, 1994). This suggests that institutions with diverse student bodies must be attentive to creating conditions that diminish competition among groups and value the diversity that students bring to the classroom as an important part of making the most of learning that can occur in diverse classrooms.

College represents a critical opportunity to break the well-documented pattern of segregation perpetuated in educational settings that results in segregated living and work environments in later years (Braddock, 1980; Braddock & McPartland, 1988; Wells & Crain, 1994). Specifically, several researchers have posited that racial segregation tends to repeat itself "across the stages of the life cycle and across institutions when individuals have not had sustained experiences in desegregated settings" (McPartland & Braddock, 1981, p.49). In their review of long term studies of education in desegregated environments, Wells and Crain (1994) extend this theory of the perpetuation of segregation to suggest that segregation is perpetuated across generations because "African Americans and Latinos lack access to informal networks" (p.533) that provide information, referrals and access to desegregated institutions and jobs. The empirical research also shows that high school racial composition (desegregated) largely predicts attendance at a predominantly white college; that employers use informal networks to fill jobs that require a college degree; and, finally, that Blacks who used desegregated social networks to find jobs had higher earnings (Braddock & McPartland, 1987). Minority access to jobs typically occupied by whites cannot often be attained without attending particular types of college: Utilizing a nine-year longitudinal study of 1971 college freshmen, Green (1982) found that African Americans who attended a predominantly white college were significantly more likely to report having white work associates and friends in the early career years. Recent research further emphasizes the importance of college in disrupting the pattern of segregation. Bowen & Bok (1998) examined college graduates from the classes of 1976 and 1989 at selective institutions and demonstrated that social interactions during college with others from diverse backgrounds increases the likelihood that African American and white graduates' postcollege work and school environments also include associates who are racial/ethnically diverse. Thus, the diversity of the student body at a college diminishes the chances that graduates will be socially segregated in their adult lives.

Several major studies provide additional support for the long term benefits of education in diverse settings. First, these benefits to individuals are now confirmed across racial/ethnic groups in different national data bases. Analyses of three independently conducted national surveys show strong and consistent evidence that education in desegregated school settings resulted in a desegregated occupational and employment for African Americans, whites, and Mexican Americans over the long term (Braddock, Dawkins, & Trent, 1994). Participation in a diverse workforce is also beneficial in terms of economic earnings for college-educated white, Asian, Black and Hispanic workers (Tienda & Lii, 1987). Second, while Bowen & Bok (1998) also show individual benefits to African Americans in terms of higher earnings as a result of attending a selective institution, they also show benefits to society. These graduates participate in community activities, and enter professional career fields at significantly higher rates than African American counterparts who attended less selective, predominantly white institutions (Bowen & Bok, 1998). Greater leadership in the community was also evident among these graduates, primarily as a result of having had the opportunity to earn advance degrees and, in turn, "give back" to the community. Taken together the studies suggest that different minority groups benefit from education in a diverse setting and also contribute to society, and that whites also obtain experiences in diverse colleges that result in success in more diverse work settings after college.

DIVERSE PEER GROUP CONTACT AND STUDENTS' LEARNING AND DEMOCRACY OUTCOMES

Research has established that the peer group is one of the most important influences on a range of educational outcomes during college (Alwin, Cohen, & Newcomb, 1991; Astin, 1993). Studies of college students have established that learning occurs for students with peers outside of the classroom (Kuh, 1993; Terenzini, Pascarella, & Blimling, 1996) as well as within classroom contexts. In a recent study, undergraduates identified at least 14 categories of educational outcomes that they had acquired in peer interactions outside the classroom. Among them were such outcomes as knowledge acquisition, self-awareness, confidence, altruism, academic skills (i.e. learning how to learn), and learning about and gaining experience with people from different racial, ethnic, and cultural backgrounds (Kuh, 1993).

Numerous studies conducted in the last decade reveal consistent evidence regarding the importance of interaction specifically with diverse peer groups during college for learning outcomes. Findings from three different national, longitudinal data bases as well as several single-institution studies support this premise. Consistent effects of having diverse peer groups were evident in the multi-campus, National Study of Student Learning, (5) in which researchers examined students' openness to diversity of perspectives and challenge at the end of the first year of college. This measure of cognitively complex thinking was significantly associated with a variety of intergroup contact experiences that included residence on campus, participation in a racial cultural awareness workshop, and association with a peer group that was diverse in terms of race, interests, and values. In addition, this level of complex thinking was likely to occur for students who reported engagement in conversations if they explored different ways of thinking about a topic, and perceptions that the campus environment was non-discriminatory. The authors state that these activities and perceptions are associated with measurable gains in critical thinking in the first year of college (Pascarella, Edison, Nora, Hagedorn, & Terezini, 1996). Cognitive development during the first year of college was also significantly affected by students' out-of-class experiences including student involvement in clubs and organizations as well as attendance at a racial/cultural awareness workshop (Terenzini, Springer, Pascarella, & Nora, 1994). These studies support the link between cognitive development and informal interactional diversity. Learning is associated with having diverse peers, an environment conductive to interactions for diversity, and opportunities for interaction afforded through campus programs that permit constructive engagement among diverse peers (e.g., race awareness workshops).

Subsequent work confirms that the diversity of peers, engaging conversations, and perceptions of the environment were also associated with openness to diversity of perspectives and challenge in the second and third year of college (Whitt, Pascarella, Terenzini, & Edison, 1998). Accordant with these findings, results show that a proxy for homogeneity of college peers (participation in a sorority and fraternity) was negatively associated with cognitive development and openness to diversity of perspectives and challenge (Pascarella, Whitt, Nora, Edison, Hagedorn, & Terenzini, 1996). This supports the theory that diverse peer interactions provide the discrepancy necessary to increase students' capacity to consider multiple perspectives.

Two distinct national CIRP cohorts of undergraduates provide additional evidence that support many of the empirical analyses presented in this report. Using a longitudinal national data base of students who entered college in 1987 and on whom the study followed-up in 1991, Hurtado (1997) found that academically-related intergroup contact was associated with a host of learning and democracy outcomes. Students who reported that they studied frequently with others from a racial/ethnic background different from their own reported growth on such learning outcomes as problem solving skills, critical thinking, and ability to work cooperatively. Stronger effects were evident on such democratic outcomes as cultural awareness, acceptance of people from different races/cultures, tolerance of different beliefs, and leadership. More extensive analyses of these data revealed how student involvement in college, which is a strong correlate of a wide range of cognitive and affective outcomes (Pascarella & Terenzini, 1991; Kuh, Schuh, Whitt, Andreas, Lyons, Strange, Krehbiel, & MacKay, 1993), is associated with frequent interaction across race/ethnicity (Hurtado, Dey, & Trevino, 1994).

Confirming findings from the National Study of Student Learning and research on earlier CIRP cohorts, a national study utilized the 1996 College Student Survey (6) and found positive effects of contact with diverse peers on students' leadership and cultural knowledge/understanding after four years of college (Antonio, 1998). The study revealed that students who attended a racial/cultural awareness workshop were likely to have high self-ratings on leadership ability and growth in cultural knowledge/understanding. In contrast, students who had a high proportion of close friends that were of the same race were least likely to report growth on cultural knowledge/understanding during college. Interracial interaction was a strong predictor of growth in cultural knowledge and understanding, as was participation in an ethnic student organization, for both white students and students of color. Overall, this study reveals that broadening of cultural knowledge and acceptance of group differences is contingent on positive interactions across race and that such connections can be enhanced through associations with students of color.

Other studies show that positive diverse peer interactions permit students to engage each other in complex social topics and issues, resulting in important educational outcomes. One study defines positive intergroup interaction on campus as involvement with someone from a different race/ethnicity in opportunities to study together, attend social events, have intellectual discussions outside of class, and have meaningful and honest conversations about race and/or ethnic relations outside of class (Gurin, Peng, Lopez, & Nagda, forthcoming). Research confirms that students with interracial friendships report more frequent discussion of complex social issues (the economy and major social problems such as peace, human rights equality, and justice) (Springer, 1995). Engaging in discussions of racial issues during college is also associated with persistence toward a degree (Chang, 1996), higher degree aspirations among minority women (Tsui, 1995), and outcomes such as cultural awareness, commitment to promoting racial understanding, and commitment to developing meaningful philosophy of life (resolving existential dilemmas) (Astin, 1993). (7) For African Americans, positive interracial contact during college is related to African American satisfaction and less trauma experienced in the transition to college. In a causal model, Bennett (1984) showed how positive interracial contact leads to less transitional trauma, which in turn, is significantly related to a higher college GPA and lowers the intent to drop out of college. Overall these studies reveal the importance of positive interracial contact to students' thinking about complex issues, educational progress, satisfaction, and knowledge/skills that will be useful for their future roles in a pluralistic democracy.

Classroom Features That Maximize Diversity

Classroom diversity is most effective when accompanied by pedagogy that makes use of a diverse student body to enhance interaction and learning. In one study, instructors included extensive use of cooperative learning and problem-based learning approaches as they diversified the content of a human development course to cover the experiences of diverse groups. Researchers in that study found students mastered critical thinking skills and demonstrated declines in levels of ethnocentrism (MacPhee, Kreutzer, & Fritz, 1994). Another study found that although students entered a diversity course with different levels of cognitive development, virtually all students demonstrated increases in racial understanding during the course and reported their peers played an important role in this process (Ortiz, 1995). One classroom-based study (Adams & Zhou-McGovern, 1994) showed that college students demonstrate more complex ways of thinking on measures of epistemological reflection, as well as gains in moral development after taking a social diversity course designed to meet general education requirements. Students in the course who were resident assistants in college residence halls demonstrated twice the gains of other students, indicating that these students had the added benefit of engaging in problem-solving in their daily experience in college residence halls on issues of diversity.

In terms of classroom interaction, appropriate techniques and activities create opportunities to enhance learning across racial/ethnic groups as well as increase academic performance. When students work in ethnically mixed cooperative-learning groups, they gain in cross ethnic friendships as well as demonstrate increased academic achievement across all racial/ethnic groups (Slavin, 1995). Cooperative activities in the classroom result in reduction of stereotypes and prejudice among students (Wolfe & Spencer, 1996). Further, several programs designed to enhance learning in the classroom make explicit the need for ingroup and intergroup affiliations and build unity across groups while acknowledging group differences.

In several studies of the University of Michigan's Intergroup Relations, Conflict, and Community Program, findings confirm identity development, more comfort with conflict as a normal part of social life, more positive intergroup interactions, increased social awareness, and long term effects (four years) on students' participation in activities with members of other racial/ethnic groups (Gurin, Peng, Lopez, Nagda, forthcoming; Zuniga, Nagda, Sevig, Thompson, & Dey, 1995). These are important skills for functioning in a diverse society.

It is important to note that the IRGCC program combines both classroom diversity content and interaction with diverse peers, attempting to link undergraduates' affective and cognitive skills as they learn how to engage across racial/ethnic, gender, and religious differences. Two qualitative studies of dialogues within the IRGCC Program have also been carried out at Michigan. One, conducted by the first director of the program, Ximena Zuniga, and other researchers, examined papers that students wrote in the first-year course. This qualitative analysis of the papers showed that there were three critical features of the learning experience. One theme in the papers stressed that dialogues provide a place where students could voice their *own* views and experiences and expect to be heard. Second, the students also wrote that it was important for them to learn to listen to the views and experiences of *other* students. Zuniga, Scalera, Nagda, & Sevig (forthcoming) emphasize that these two processes need to be augmented by a third theme in the papers, the importance of dealing with conflict. Students said that dialogues work best when they can "ask difficult questions," "when they can disagree," and "when they are helped to work with the conflict." Zuniga and her colleagues conclude that this third step "of working with the conflict" builds on "voicing" and "listening" and is essential for accomplishing the broad goal of intergroup understanding.

A second qualitative study (Yeakley, 1998), examined *how* dialogues produce positive and negative changes in participants. Yeakley (1998) discovered four types of positive change: increased comfort, increased connection with students of other groups through friendship ties, increased understanding of different perspectives, and increased understanding of different identity group experiences. A majority of the participants reported *only* positive changes, although three in ten also reported at least some negative changes.

What produced positive and negative changes? Yeakley's analysis of these intensive interviews indicates that the most important, distinguishing experience was whether or not students had found dialogues a place where they could *share personal experiences*. One student described the process: "the first day of class, we set ground rules, and the first one was…we all have to be honest. But, you know, to be honest we had to have the rule, you don't attack the person. You can attack the ideas but not the person. I think everyone really held to that….Then it is possible to get to the point where you can say, I understand where you could really have gotten that idea, but this is how it feels from my experience" (Yeakley, 1998, p. 118). When this happened, she concluded, students later became friends with members of other racial/ethnic groups.

Disclosure of personal experiences provided the means for the deepest levels of intergroup understanding because personal experiences provided illustrations and explanations for group differences. These concrete examples revealed what being a member of a different identity group was like, or in the words of one the informants, "what makes that person a person" in terms of their identity experiences (Yeakley, p. 120). Contact literature has discussed the importance of intimate rather than casual contact (Allport, 1954; Amir, 1976), but reference to intimate interaction remains fairly vague in this literature. It primarily refers to a relationship that allows individuating information to emerge, especially information that points to similarities. Intimacy is more developed conceptually in a new line of social psychological research known as relationship studies (Aron,1992; McAdams, 1988; Reis and Shaver, 1988). These relationship scholars define intimacy as the sharing of what is innermost with others, and including the other within one's self. Researchers are giving increased emphasis to the importance of intimacy and to the role that friendship ties play in improving intergroup life (Herek and Capitanio, 1996; Wright, Aron, McLaughlin-Volpe, & Ropp, 1997). Thus, these studies confirm that providing students with opportunities to share perspectives about their own backgrounds in college and improving the quality of interaction among diverse peers has important implications for developing a respect for group differences and learning about commonalities with other groups in society.

Although studies on classroom diversity utilizing large national data sets are rare, those that have been conducted demonstrate positive effects on students. Specifically, national data show that taking courses in ethnic studies is associated with persistence toward a degree (Chang, 1996), self-reported increases in cultural awareness, and increases in students' personal goals to promote racial understanding (Astin, 1993). Students also reported they were more likely to vote in national elections on college campuses where a high proportion of faculty incorporated readings on different racial/ethnic groups and women into their courses (Astin, 1993). Taken together, these studies indicate that classroom diversity is associated with important academic and democratic outcomes.

Effect of Diversity on Traditional Classroom Learning

Acknowledgement of group differences and interactions with peers of the same race/ethnicity also enhances student learning of traditional subjects like mathematics. In one outstanding example, a multicultural campus made use of observations of student cooperative activity among Asian American peers in learning mathematics and used the same model to implement a successful program to accelerate African American achievement in calculus (Fullilove & Treisman, 1990). The latter program illustrates how acknowledgment of group differences and learning on a diverse campus can result in new advances in student progress.

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In summary, these examples and the educational research on contact with diverse peer groups suggest that campuses that have successfully attracted sufficient numbers of students from different racial/ethnic groups are producing graduates with more critical thinking skills, who are at ease in addressing complex and sometimes conflict-laden problems, and who are more prepared to participate in a diverse democracy by acknowledging and respecting group differences.

It is important to note that while much of this review is focused on the educational benefits of diversity to the individual, another body of work establishes how diversity is important to organizations and work environments as a whole (Cox, 1993). That is, tolerance for diversity is a characteristic of innovative organizations: "innovation is spurred by strong opinion -- and opinions often diverge. Thus, conflict management is crucial to ensuring that differences are handled constructively" in work environments (Morgan, 1989, p. 77). Most of this work derived from the business literature echoes the same conclusions evident in the educational literature: Both organizations and individuals stand to gain a great deal when diverse individuals and diverse perspectives are present, but effective management of cultural diversity is necessary to enhance its benefits to the organization and individuals. Higher education plays a central role in ensuring that graduates are prepared to become a part of the diversity that is inevitable in a society where one out of three Americans will be a member of a racial/ethnic minority group and most of the growth in new jobs will require a college degree (Justiz, 1994).

INSTITUTIONAL COMMITMENT TO DIVERSITY

If the mission of higher education is to prepare students with the skills necessary for functioning in a complex and increasingly diverse society, then an institutional commitment to structural diversity, classroom diversity and enhancing opportunities for informal interactional diversity all become central to this educational process. Several national studies have examined student perceptions of institutional commitment to diversity (perceptions that the institution is actively recruiting diverse individuals and promoting multicultural appreciation through campus activity). One study found that institutional commitment to diversity was associated with perceptions of relatively low racial tension among African American, Chicano, and to some extent, white students (Hurtado, 1992). Perhaps more importantly, subsequent studies revealed that students reported higher college grade point averages (Chang, 1996) and increases in personal goals to promote racial understanding (Astin, 1993) on campuses where they perceived a relatively strong institutional commitment to diversity.

Several campus studies suggest that individuals on campuses have actively worked towards creating a more diverse environment because they believe diversity is central to the educational process. Over 90% of faculty, staff, and students at two different campuses agreed with the statement that diversity is good for the institution and should be actively promoted by all campus constituents (Hurtado, et al. 1998; Dey, 1996); over 90% of faculty and staff believed that diversity of the student body is central to the educational process and two-thirds of all students stated they learned a great deal from listening to students from different racial/ethnic groups in class (Hurtado, et al., 1998); and over three quarters of white students and 85% of students of color stated that the numbers of underrepresented minorities should be increased at a selective, California campus (Loo & Rollison, 1986). One student eloquently stated in a study: "It's very difficult to teach people who come from unaccepting cultures to be accepting [of diversity] if they have no place to practice their acceptance," while an Asian American student pondered: "I mean, they can try to teach us diversity, but if there's not a diverse environment, how are you going to learn?" (Hurtado, et al., 1998). One multi-campus qualitative study of colleges that encourage student engagement showed that such "involving colleges" foster high expectations for student performance, minimize status distinctions among students, and demonstrate an unwavering commitment to multiculturalism (Kuh, et al., 1991). Many similar studies conducted on other campuses across the country confirm the educational value of diversity as part of the their mission.

The University of Michigan demonstrates its institutional commitment to diversity through classroom activity as well as providing informal opportunities for peer contact, and each educational activity depends on having a diverse student body. The University is a public research institution that places diversity as central to its mission and actively works to create the conditions for maximizing the learning benefits of a diverse study through several initiatives:

1. Its nationally recognized program on Intergroup Relations, Conflict, and Community, in which students are given opportunities to have deep discussions that allow them to compare experiences and discover differences and similarity of values in freshmen seminars, courses in academic departments, and activities in residence halls. The program depends on bringing together students from diverse racial/ethnic backgrounds and was recently chosen as a national exemplar by President Clinton's Race Relations Panel.

2. Public celebrations of diversity, including Hispanic Heritage Month, Native American POW WOW, and one of the largest celebrations of Martin Luther King Day in the country that attracts nationally known scholars and public officials to campus. Such events depend on the work of sufficient numbers of Latino, Native American, and African American students to remain successful because they are organized primarily by these students with the assistance of the administration.

3. Numerous ongoing curricular initiatives combine course content with contact with diverse peers, including the development of a multicultural course requirement for all students in the College of Literature, Science, and Arts; the development of new living-learning communities that focus on diversity and democracy; and the integration of content on diversity issues in many freshman seminars.

4. Typical teaching issues are addressed now through faculty development activities that incorporate considerations of a diverse student body and multicultural training to enhance classroom teaching techniques. These ongoing efforts are integrated into work of the Center for Research on Learning and Teaching on campus.

The research evidence on learning and democracy outcomes in this report supports many of these initiatives to create diverse classrooms and increase opportunities for positive, informal interactions with diverse peers. These initiatives are part of Michigan's educational process and would be seriously diminished if the student body were less diverse. These educational initiatives took years to bring to fruition and were successfully developed because Michigan began to educate a more diverse student body.

Footnotes

[1] Deppe (1989) analyzed the 1986 longitudinal study of 1982 freshmen, collected by the Cooperative Institutional Research Program (CIRP), UCLA; Chang (1996) analyzed a later CIRP cohort, the 1989 longitudinal study of 1985 freshmen (also used in this Report). All of these studies employed controls for student background, employing a conservative test of effects by statistically removing the possibility that students entered with strengths on these outcomes.

[2] The study utilizes the federally-sponsored Beginning Postsecondary Students Longitudinal Study of students who entered college in 1990 and were followed up in 1992 and 1994, with additional racial/ethnic enrollment data from the Integrated Postsecondary Educational Data System, administered by the National Center for Education Statistics.

[3] These series of studies focused on Hispanics who were among the highest achievers based on high school grades and performance on the PSAT, a sample in the National Study of Hispanic College Students. They were followed up for several years to determine how Hispanic students experienced college.

[4] Referring to Black/White relations, Blalock (1967) theorizes that as the number of minority of individuals increases, the greater the likelihood that there will be conflict and competition with members of the majority. He does not theorize, however, how conflict can be minimized under conditions where increased diversity is inevitable. Educational institutions have the potential to minimize conflict.

[5] The National Study of Student Learning was sponsored by the Office of Educational Research Improvement, US Dept. of Education through a research grant to the National Center for Teaching, Learning, and Assessment. The sample population includes 23 participating institutions designed to approximate the Fall 1992 enrollment of college freshmen represented by ethnicity and gender.

[6] The College Student Survey is collected by the UCLA Higher Education Research Institute as part of the Cooperative Institutional Research Program. The sample analyzed for this study involved 8,819 students attending 111 four-year, predominantly white institutions across the country.

[7] All three studies utilized the 1989 CIRP followup of 1985 freshmen, the data described and utilized in empirical analyses of this report.

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"Gurin" Table of Contents

"Compelling Need..." Table of Contents **Next "Gurin" Section**

APPENDIX C

THE STUDIES, METHODS, AND MEASURES

Overall Analytic Strategy

As described in the body of the Report, I conducted three sets of empirical analyses developed specifically for this litigation. Using national data from the Cooperative Institutional Research Program as well as data collected from students at the University of Michigan, these analyses provide a fair test of the effects that campus diversity has on the academic development and democratic values of college students. Standard, generally accepted approaches to systematic data collection and statistical analyses were used to produce this research. Together, the approaches used provide a conservative test of diversity's effects, by statistically accounting for relationships known or expected to contribute to student development before accounting for the effects of campus diversity. As such, the results provide a minimal estimate of diversity's effects, in that the analyses consistently afford other variables in the analysis (i.e., characteristics of students and colleges) a greater opportunity to account for, and possibly explain away, the influence of campus diversity on college students.

Figure 1 in the Report provides an overview of the general approach used in the analyses of the CIRP and Michigan Student Study data. I began by first identifying the most relevant data bases that could be analyzed to provide systematic, empirical evidence on the effects of campus diversity on student development, and then by identifying the specific variables available within these data bases that were most closely related to classroom and informal interactional diversity, and to learning and democracy outcomes. Once identified, each of the individual outcome variables was analyzed using a statistical methodology known as multiple regression analysis. The methodology allows one to develop a fair portrayal of the relationship between specific variables of interest and the outcome variable, after controlling for the influence of other variables known (or expected) to bias the relationships of interest.

The primary variables of interest are those related to campus diversity in its many forms, in that we are interested in understanding how these variables affect (or predict) different student outcomes. One way to consider the effects of diversity on student outcomes is simply to consider the raw relationship, or correlation, between variables of interest. Unfortunately, these relationships tend to overstate the true degree to which campus diversity influences student development, as other known influences on student development are not considered. To correct for this shortcoming, these analyses use a standard set of variables as statistical controls. This allows us to provide reliably unbiased portrayals of the relationships of interest. Since students come to college with different attitudes, values, and experiences, these variables are first considered as possible explanations for the relationship between campus diversity and student development. Once this first block of control variables is considered, the analysis proceeds to consider the classroom and interactional diversity measures in order to determine whether these variables provide any additional explanatory power. By considering these variables in combination, the results produce a less biased view of the relationship between campus diversity and student outcomes.

In reviewing the results in the body of the Report, I concentrated on the relationships between the campus diversity measures and each of the learning and democracy outcomes considered. A basic indicator of the strength of these relationships with the outcome measures is found in the assessment of its statistical significance. A relationship is judged to be statistically significant when its strength is such that it is unlikely to have emerged from the data simply on the basis of chance. We use the most common indicator of statistical significance in reviewing these results. For the white student sample, I only judge relationships to be significant when the odds are less than 1 in 20 that the relationship was simply due to random chance. Since probability levels are related to sample size, I use a slightly different criterion for the samples of African American and Latino students, the odds of less than 1 in 10 that the relationship was simply due to random chance. This approach provides clearly defined statistical evidence on the strength of relationship between the predictors of interest and each of the dependent variables.

In addition to considering statistical significance, given the multitude of educational outcomes that we consider, it is also important to consider the consistency of findings across the entire set of analyses. Since each of the educational outcomes considered in these analyses represents a different possible aspect of a student's development, a degree of consistency in the relationships across the outcome variables is additional evidence of the effectiveness of any particular characteristic of campus diversity at producing different kinds of learning and democracy outcomes among college students.

As noted above, my regression analyses were conducted on national data from CIRP as well as data collected specifically from students at the University of Michigan. Since the data bases used for these analyses were designed by different individuals as well as for somewhat different purposes, I could not conduct precisely identical analyses using these different data bases, though I have sought to make the analyses as parallel as possible following the theoretical framework represented in Figure 1. It is important to consider the evidence from these two studies in combination, for it provides a more complete picture of the ways in which diversity affects the educational development of college students than could any single data base. For example, while data collected nationally is necessarily somewhat generic in terms of the kinds of questions that might be asked, this limitation is offset by the fact that when data are collected from many different institutions, this allows us to compare directly the effects of structural diversity by examining the degree to which campus diversity creates conditions and opportunities for students to interact with diversity. In contrast to the national data base, the set of evidence derived directly from students attending the University of Michigan allows us the opportunity to directly examine how these issues operate on our campus, especially as it relates to specific programs on the University of Michigan campus.

The CIRP Study

The national data were collected through the Cooperative Institutional Research Program (CIRP) conducted by the Higher Education Research Institute at the University of California, Los Angeles under the auspices of the American Council on Education. The CIRP is a well-known and respected research program that is the nation's longest and largest on-going empirical study of American higher education. All told, the CIRP program has collected data from more than 1,500 institutions and surveyed more than 9 million students and 500,000 faculty since its inception in 1966.

The specific data base used for this investigation is drawn from students who entered college in 1985. These students were surveyed during the summer and early fall of 1985 as they prepared to enter college. In addition, these students also completed follow-up surveys in 1989 (four years after college entry) and 1994 (nine years after college entry) to assess their experiences since entering college. The availability of data from two separate follow-up surveys allows us to examine both near-term and long-term outcomes, as students leave the collegiate environment and begin their transition into their adult roles. Since similar questions were asked on each of these three surveys, by comparing responses from these individuals on the pre-college and one of the post-college surveys, it is possible to examine the degree to which students changed since entry in college. By comparing these patterns of change across different institutional characteristics (after first controlling for relevant student characteristics), it is possible to generate a picture of how these institutional characteristics, and specifically campus diversity, affect student outcomes.

The outcomes reflect two ways of capturing growth and change among college students. For about half of the outcomes measured in CIRP four and nine year data, students were asked to report at college entry (during the first orientation days at college) their aspirations, self-rating of abilities compared to the average person their age, and importance of personal goals in the areas of engagement and motivation, citizenship engagement, and racial/cultural engagement. These self-assessments were reported again at four year and nine year survey administrations, allowing the assessment of change or growth of self-assessment in relation to experiences related to diversity in college. A second way of assessing growth was to ask students "how much have you grown since entering college," to capture the key areas where students personally felt significant change had occurred. It is important to note that self-reports of learning outcomes are correlated with traditional measures of achievement (e.g., with College BASE, a criterion-referenced achievement test, and GRE scores for the limited sample of students who took these tests in CIRP -- see Pike, 1993, and Anaya, 1992), and self-reported growth items correspond with growth among undergraduates reported by faculty within institutions (Hurtado, et al., 1998).

The CIRP survey program includes a national sample of all types of institutions, though for this set of analyses we limited our investigation to certain types of institutions. Specifically, I excluded historically Black colleges and universities as well as community colleges from the analysis since I believe that both campus diversity issues and educational processes differ dramatically from those found at predominantly white four-year colleges and universities. With this restriction in place, the CIRP data base I analyzed contained information collected from 9,316 students who first enrolled in college in 1985 at one of 184 colleges and universities.

I examined 56 outcome measures as part of this analysis. These measures were divided into four categories: learning outcomes and democracy outcomes, measured both near-term (four years after college entry) and long-term (nine-years after college entry), and are described in the section on Measures below, as are the specific student background and institutional characteristics used in the analyses. The analysis of each dependent variable was repeated four times using the same standard set of statistical control variables, but varying in terms of the combination of campus diversity measures being used. Specifically, each CIRP analysis contained the measure of classroom diversity available in the CIRP Study (i.e., enrolling in an ethnic studies course), and one measure of interactional diversity (i.e., participating in a racial/cultural awareness workshop, or discussing racial issues, or socializing with someone from a different racial/ethnic background, or having a close friend of a different racial/ethnic background during college). In this way, I generated a portrait of how each of the aspects of campus diversity relate to each of the near- and long-term learning and democracy outcome measures. My intention here is to investigate the effects of different types of interactional diversity over and above those that could be achieved solely through curricular efforts. This approach was based on previous research which revealed that campuses need actively to engage students in diversity contact when they have no previous experience. Students cannot simply learn about difference in theoretical abstraction; they must engage with each other on diverse campuses to realize the full potential educational benefits.

The Michigan Student Study

The Michigan student data come from the Michigan Student Study, an intensive investigation of the undergraduate class of 1994. The study was developed and carried out by the Office of Minority Affairs (now the Office of Academic and Multicultural Initiatives) in collaboration with faculty and students from the Center for the Study of Higher Education and the Department of Psychology.

The purpose of the study was to increase understanding of the impact of racial/ethnic diversity at the University of Michigan on all groups of Michigan undergraduates. In addition to the insights that the study has provided the university community, the data from this study have been the source of articles in academic journals, papers at national conferences, and seven doctoral dissertations.

The specific data base used for this Report comes from the major component of the Michigan Student Study, the longitudinal series of surveys of the undergraduate class of 1994. All students received a survey at point of entrance to the University in September of 1990. All students of color, and a large representative sample of white students were followed up in surveys at the end of their first year, second year, and senior year of college. The data analyses presented in my statement are based on the responses of 187 African American and 1134 white students. The data on Latino students were not analyzed because their numbers at Michigan are not large enough to permit reliable results from the multivariate analyses we have undertaken.

I examined ten outcome measures in the analysis of the Michigan Student Study data. They are divided into the same two main categories as in the CIRP analyses (learning outcomes and democracy outcomes measured four years after college entrance). Most of the specific measures differ from those of the CIRP study. These measures are described in the section on Measures below, as are the student background characteristics and measures of students' campus experiences with diversity that are used in my analyses.

My data analysis strategy is similar to the one presented for the analysis of the CIRP data. The MSS analyses differ in two general ways. First, the CIRP analyses are based on single-item measures of student characteristics, as one of the strengths of the CIRP is that it asks students to provide a wide variety of information of themselves, and as a result does not ask very many questions with overlapping content. In contrast, one of the strengths of the MSS data is that it was designed to collect more in depth data on fewer topics. As a result, in a number of instances I drew upon this strength by combining responses to related questions to create indices of various constructs. These indices reduce measurement error inherent in any individual question, which helps improve the quality of any analysis based on them. Second, the MSS data base does not contain information from students nine years after college entry, so our analysis is focused solely on near-term learning and democracy outcomes which were measured four years after college entry. With these exceptions, the MSS and CIRP analyses are designed to be as parallel as possible.

Separate regressions were run for each of our 10 dependent variables (4 learning outcomes and 6 democracy outcomes). The predictor variables in each of these regressions included the same set of statistical control variables (i.e., student background characteristics), the entrance level measure of the outcome (when the same question was asked in the senior and entrance survey), and the same measure of classroom diversity. This measure of classroom diversity is an index combining the exposure of students to diversity content in their classrooms and their perceptions of how much impact some course had on their views on diversity. The other predictors in the regressions vary in that each regression introduces a different measure of interactional diversity (for example, number of best friends of a different race or ethnicity, quality of interaction with diverse others, number of multiethnic campus events attended). As with the CIRP analyses, the intent was to investigate the effect of each interactional diversity measure on each learning and democracy outcome, over and beyond the effect that could have been achieved just from classroom diversity

The IRGCC Study

An evaluation study followed for four years the undergraduate entrants to the University in 1990 who as first-year students took an introductory course in the Intergroup Relations, Community, and Conflict Program. This course covered the history of group experiences in the United States, a contemporary analysis of group inequalities in the economic, educational, and political arenas, and an analysis of political issues and policies (such as immigration, bilingual education, affirmative action, sexual harassment, Middle East peace initiatives) that are contested by various groups in contemporary United States.

The course also covered theories of conflict and conflict management. All students in the course attended lectures, participated in discussion groups, wrote papers and exams, and took part in a ten-week dialogue group.

The explicit goals of the dialogues within the context of this course were to: (1) help students discern and understand differences and similarities between the groups' viewpoints on contested issues, (2) examine differences in viewpoint within each of the two groups in the dialogue, (3) help students identify and negotiate conflicts that arise in the dialogue, and 4) *challenge the groups to find a basis for coalition and joint action* on a specific issue. The IRGCC Program also offers advanced courses in intergroup relations and training courses in facilitating intergroup dialogues, which some first-year students in he evaluation study subsequently took.

Of these various goals, IRGCC's emphasis on intergroup understanding deserves special note. Yeakley (1998) points out that most intergroup contact studies have stressed the impact of contact on liking people from other groups, developing positive evaluations of outgroup members, and decreasing stereotyping among groups. The IRGCC Program does not minimize the importance of these outcomes, but it puts priority on helping students understand the perspectives of other groups. When a dialogue is completed, students from different groups may or may not like each other; they may still disagree with each other. But when a dialogue is successful, however, students understand why others feel and think differently about a specific issue. One student put it this way: "At first, it was like 'you're either with me or you're not.' And, you know, half way through, it was like 'oh, you're a person and I can see from what you've said *exactly* how you got to *feel* this way. I still disagree with it and . . . that's okay. What's important is that I can see where the other person is coming from" (Yeakley, p. 115).

The IRGCC Program participants were measured as part of the longitudinal Michigan Student Study at the time they entered the University of Michigan. These baseline measures were taken before they enrolled in the first-year course. They were measured again at the end of the course, and again four years later at time of graduation.

The evaluation was designed to give a picture of program *effect* An equal number of first-year students who did not take the course were measured with the same questionnaires at the same times (at entrance, at the time the participants completed the IRGCC course, and at time of graduation) that the participants were measured. The non-participant group of comparison students were chosen to match the participants as to in-state and out-of-state pre-college residency, first-year residence hall at Michigan, ethnicity/race, and gender. Selection was done randomly within these categories from students who had completed entrance questionnaires in the Michigan Student Study.

This study provides a unique opportunity to evaluate the long-term impact of a particular diversity experience that was offered to students at the crucial stage of the first year in college -- a time when discontinuity from the home background and uncertainty about the expectations of the University of Michigan are likely to be maximally influential in the lives of students. It is a period that, following Ruble (1994), I have conceived of as a time of "construction" -- a period before students accommodate to Michigan's diversity and complexity, some retreating to familiarity in peer groups that replicate the home background, and others participating in multiple and diverse peer groups on the campus.

I hypothesized that the IRGCC Program would foster both learning and democracy outcomes. To test this hypothesis, the senior questionnaires were constructed to assess complex thinking, perspective taking, appreciation of socio-historical causation, acceptance of conflict as a normal aspect of social life, mutuality of interest and engagement in one's own and other groups, interest in politics, and citizen participation on the campus. As indicated in Tables 11 and 12, the analyses indicate that all of these outcomes were greater for students who participated in the IRGCC Program than for those who did not. Of course, a program as visibly focused on groups as the IRGCC Program might be expected to attract students who as first-year students already had higher scores on these cognitive measures before taking the course. Thus, it is important to check if the senior year differences persisted when initial scores (made available by the Michigan Student Study) were statistically controlled. Our analyses indicated that these differences were still statistically reliable, and that participation in the IRGCC Program had a genuine effect on complex thinking, perspective taking, and socio-historical thinking.

One of the democracy outcomes, the mutuality of interest and activity in one's own and other groups, might be particularly noted. The IRGCC study asked students a series of questions about their involvement in their own groups, along with parallel questions about their involvement with other groups. Responses would permit assessment of the extent to which the IRGCC Program had encouraged greater involvement in both, and thus had fostered a mutuality that is important in democracy. One of the charges against diversity and multicultural programs is that they heighten difference, keep people divided from each other, and destroy the unity on which democracy depends. This program asks students to consider multiple perspectives - the perspectives of their own group and the perspectives of other groups. They are challenged to discern the similarities between groups and the differences within groups, as well as the sometimes more obvious differences between groups. They have to find some plan of potential common action, although in the time limits of the semester they do not actually carry out the activity. In these ways, they are encouraged to develop a sense of mutuality and reciprocality.

MEASURES

CIRP Analysis Measures

Student background characteristics

SAT composite score (Verbal + Math)
High school grade point average (self-reported)
Ethnic diversity of high school classmates
Ethnic diversity of neighbors where you grew up
Student's gender

Campus experiences

Classroom diversity

Enrolled in an ethnic studies course during college

Informal interactional diversity

Discussed racial issues
Attend a racial/cultural awareness workshop
Socialized with someone from a different racial/ethnic group
Proportion of close friends in college who were of
respondent's race/ethnicity (reverse)

Institutional characteristics

Structural diversity

Percentage of undergraduates at the respondent's college
who were students of color (African American, Asian,
Hispanic, or Native American)

Selectivity (Mean SAT Composite score of the entering freshman class)

Type (University versus four-year college)

Control (Private versus public)

Institutional diversity emphasis (aggregate measure of student perceptions at each college in the data base concerning the degree to which the institution emphasizes diversity as a goal)

Faculty diversity emphasis (aggregate measure of student perceptions at each college in the data base concerning the degree to which faculty incorporate diversity issues into the curriculum)

Four year learning outcomes

Engagement and motivation

Graduate degree aspiration in 1989*

Self-rating of abilities compared to average person your age:

Drive to achieve*
Self-confidence (intellectual)*

Importance to you personally:

Write original works (poems, novels, short stories, etc.)*
Create artistic works (painting, sculptures, decorating, etc.)*

Change since entering college in preparation for graduate/professional school (self-reported)

Intellectual and academic skills

Average undergraduate grade point average (self-reported)

Change in knowledge/skills since entering college (self-reported):

General knowledge
Analytical and problem-solving skills
Ability to think critically
Writing skills
Foreign language skills

Self-rating of abilities compared to average person your age:

Academic ability*
Writing *
Listening ability

Nine year learning outcomes

Engagement and motivation

Self-rating of abilities compared to average person your age:

Drive to achieve*
Self-confidence (intellectual)*

Importance to you personally:

Write original works (poems, novels, short stories, etc.)*
Create artistic works (painting, sculptures, decorating, etc.)*

Intellectual and academic skills

Average undergraduate grade point average (self-reported)

Self-rating of abilities compared to average person your age:

Academic ability*
Writing *
Listening ability

Valued skills

Importance in your life today:

General knowledge
Analytical and problem-solving skills
Ability to think critically
Writing skills
Foreign language skills

Four year democracy outcomes

Citizenship engagement

Importance to you personally:

Influencing the political structure*
Influencing social values*
Helping others in difficulty*
Being involved in programs to clean up the environment*
Participating in a community action program*

Racial/cultural engagement

Importance to you personally:

Promoting racial understanding*

Change in knowledge/skills since entering college (self-report):

Cultural awareness and appreciation
Acceptance of persons from different races/cultures

Nine year democracy outcomes

Citizenship engagement

Hours per week spent on volunteer work/community service

Number of community service activities participated in

Importance of reasons for participating in community service/volunteer activities:

To give me a chance to work with people different from me
To influence society as a whole
To improve my community
To fulfill my social responsibility

Importance to you personally:

Influencing the political structure *
Influencing social values*
Helping others in difficulty *
Being involved in programs to clean up the environment*
Participating in a community action program*

Racial/cultural engagement

Importance to you personally:

Promoting racial understanding*

Change in knowledge/skills since entering college (self-report):

Cultural awareness and appreciation
Acceptance of persons from different races/cultures

Skills and experiences related to living in a diverse society

How well did your undergraduate education prepare you for:

Graduate school
Your current or most recent job

How frequently did you do the following during the past year:

Discussed racial/ethnic issues

Socialized with someone of another racial/ethnic group

How many people in the following groups are of your race/ethnicity (reverse):

Current close friends
Current neighbors
Current work associates

Michigan Student Study Measures

Student background characteristics

SAT/ACT score
High school grade point average
Student's gender
Racial composition of neighborhood where grew up
Racial composition of high school

Campus experiences

Classroom diversity

Classroom diversity index:

Extent of exposure in classes to information/activities devoted to understanding other racial/ethnic groups and inter-racial/ethnic relationships.

Had a course that had important impact on student's views of racial/ethnic diversity and multiculturalism.

Informal interactional diversity

Positive/personal interaction index:

(After the student has identified the racial/ethnic group he/she interacted with most at Michigan) How much student and members of this group:

Had meaningful, and honest discussions about race and ethnic relations.

Shared personal feelings and problems.

Negative group interaction index:

(After the student has identified the racial/ethnic group he/she interacted with most at Michigan) How much student and members of this group:

Had tense, somewhat hostile interactions.

Had guarded, cautious interactions.

Amount of interaction on campus with:

Students of color (index summing interactions with African American, Asian American, and Hispanic/Latino students).
African American students
White students

Number of "six closest friends at Michigan" of a different racial/ethnic background.

Extent of involvement at Michigan with groups and activities reflecting other cultural/ethnic backgrounds.

Participation in dialogue groups sponsored by the Program on Intergroup Relations and Conflict.

Number of five multiethnic campus events attended (Hispanic Heritage Month, Native American Month events or Annual Pow Wow, Asian American Awareness Week events, Martin Luther King Jr. Symposium events, Black History Month events).

Learning outcomes

Active thinking

Complex thinking index:*

Enjoy analyzing reasons for behavior
Prefer simple rather than complex explanations (reverse)
Don't enjoy discussions of causes of behavior (reverse)
Take people's behavior at face value (reverse)

Social historical thinking index:*

Think about influence of society on other people
Causes of behavior often form chain that goes back in time
Think about influence of society on my behavior and personality

Engagement and motivation

Intellectual engagement index:

Gained broad, intellectually exciting education at Michigan
Satisfaction with intellectual quality and challenge of classes

Expectation of going to graduate or professional school

Democracy outcomes

Compatibility of differences

Perceived similarity on "important values in life -- like values about work and family" with:*

African Americans
Asian Americans
Hispanic/Latinos
White Americans

Non-divisiveness of group differences index:

University's focus on diversity puts too much emphasis on group differences (reverse)

University's commitment to diversity fosters more intergroup division than understanding (reverse)

University's emphasis on diversity means I can't talk honestly about ethnic, racial, and gender issues (reverse)

Emphasis on diversity makes it hard for me to be myself (reverse)

Racial/cultural engagement

Have learned a great deal about contributions to American society of other racial/ethnic groups.

Citizenship engagement

Perspective taking index:*

Try to look at everybody's side of a disagreement

Find it difficult to see things from the "other person's" point of view (reverse)

Don't waste much time listening to other people's arguments (reverse)

Two sides to every question and try to look at them both.

Intergroup Relations, Community, Conflict Program Measures

Student background characteristics

In-state/out-of-state residence
Gender
Race/ethnicity
Specific campus residence hall

Campus experience

Participated as a first-year student in the Intergroup Relations, Community, and Conflict Program (yes/no)

Learning outcomes

Active thinking

Complex-thinking index:* same as in the Michigan Student Study

Social-historical thinking index:* same as in the Michigan Student Study

Democracy outcomes

Citizenship engagement

Perspective taking index*: same as in the Michigan Student Study

Interest in politics index:

Students who talk a lot about social issues turn me off (reverse)
I do not enjoy getting into discussions about political events (reverse)
I do not try hard to keep up with the current events (reverse)
Thinking about how this country has changed over the last several years and will change in the future is of little interest to me (reverse)
I hardly spend any time thinking about the roles of men and women in society (reverse)

Interest in group inequalities index:

I enjoy talking with other people about the reasons for and possible solutions to poverty
I would probably find a television show on poverty in the United States to be interesting
Thinking about the causes of poverty is not my idea of a good way to spend time (reverse)
I often read newspaper or magazine articles on the plight of the poor
I often think about the amount of power people in different segments of society have

While in college, extent of involvement in :

Campus political activities
Community service
Student government

Anticipated commitment to community/politics after college:

Personal importance of:

Influencing the political structure
Helping my group or community
Helping to promote racial/ethnic

understanding

Compatibility of differences

Mutuality of experience in own group and other groups

Degree of agreement that:

"Since coming to college, I have enjoyed learning about the experiences and perspectives of other groups;" and "Since coming to college, I have thought more about my memberships in different groups"

Degree of agreement that:

"Since coming to college, I have learned a great deal about other racial/ethnic groups and their contributions to American society; and "Since coming to college, I have gained greater knowledge of my racial/ethnic group's contributions to American society"

Degree of involvement with:

"Groups and activities reflecting other cultural and ethnic backgrounds;" and "Groups and activities reflecting my own cultural and ethnic background"

Non-divisiveness of group differences index: same as in the Michigan Student Study

Positive view of intergroup conflict index:

Intergroup conflict can have positive consequences
Conflict and disagreements in classroom discussions enrich the learning process
Conflict is healthy in a democracy
Conflict is a normal part of life

Negative view of intergroup conflict index:

Conflict between groups makes it difficult for them to communicate with each other
Conflict rarely has constructive consequences
I am afraid of conflicts when discussing social issues
The best thing to do is to avoid conflict

*These outcome questions were also asked in the entrance questionnaire. In the analyses of these outcomes, the responses to the entrance questions were statistically controlled, in order to take account of possible selection bias.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents
Next "Gurin" Section

APPENDIX D

REGRESSION SUMMARY DETAILS

This Appendix provides detailed summary information from the regression analyses conducted on the Cooperative Institutional Research Program (CIRP) and Michigan Student Study (MSS) data bases. (The IGRCC results were analyzed using Analysis of Variance, and do not lend themselves to this presentation format.)

Regressions based on CIRP data

Four separate regression models were developed for each outcome considered in the CIRP data base, with the models differing only by the specific informal interaction measure considered in combination with the classroom diversity measure. For each of the four models, four columns of numerical information are presented. The first column, labeled r, indicates the raw (or zero-order) correlation between each of the predictor variables and the outcome measure, and is typically the upper-bound estimate of the independent effect that each diversity measure has on the outcome measure. Columns 2 (labeled Step 1), 3 (labeled Step 2), and 4 (labeled Step 3) indicate whether or not the predictor variable is still a significant predictor of the outcome variable after controlling for other variables in the model that might also explain the relationship between diversity experiences and student outcomes. For each of the analyses, Step 1 controls (or removes) the possible effects of student background characteristics and (where available) a student's response to the outcome measure upon entry into college; Step 2 adds the diversity experience measures to the prediction equation; Step 3 adds institutional characteristics such as structural diversity, institutional selectivity, and type (such as public versus private, four-year college versus university). Appendix C provides a list of measures for each of the steps of the analysis.

When a diversity experience measure remains statistically significant after controlling for all the other variables in the analysis, this provides strong evidence of the importance of this variable in explaining the relevant outcomes, as all of the competing explanations were given the better chance to explain the finding.

Given differences in sample sizes across racial/ethnic group, effects were judged as significant for White students at the $p < .05$ level (Table D1), while the criterion of $p < .10$ was used for the much smaller African American and Latino samples (Tables D2 and D3, respectively). Significant positive effects are indicated by a square symbol (■), while significant negative effects are indicated by a diamond symbol (◆). Nonsignificant findings are not shown.

Regressions based on MSS data

Eight separate regression models were developed for each outcome considered in the MSS data base, with the models differing only by the specific informal interaction measure considered in combination with the classroom diversity measure. The format of the summary tables that follow is similar to that used for the CIRP analyses, but differs slightly due to differences in the analytical approach used.

For each of the eight models, three columns of numerical information are presented. The first column, labeled r, indicates the raw (or zero-order) correlation between each of the predictor variables and the outcome measure, and is typically the upper-bound estimate of the independent effect that each diversity measure has on the outcome measure. Columns 2 (labeled Step 1) and 3 (labeled Step 2) indicate whether or not the predictor variable is still a significant predictor of the outcome variable after controlling for other variables in the model that might also explain the relationship between diversity experiences and student outcomes. For each of the analyses, Step 1 controls (or removes) the possible effects of student background characteristics and (where available) a student's response to the outcome measure upon entry into college; Step 2 adds the diversity experience measures to the prediction equation. (The Step 3 column provided for the CIRP data is unavailable for the MSS analysis since it is based on data from a single institution, and as a result institutional characteristics do not vary). As before, when a diversity experience measure remains statistically significant after controlling for all the other variables in the analysis, this provides strong evidence of the importance of this variable in explaining the relevant outcomes, as all of the competing explanations were given the better chance to explain the finding.

Given differences in sample sizes across racial/ethnic group, effects were judged as significant for White students at the $\underline{p} < .05$ level (Table D4), while the criterion of $\underline{p} < .10$ was used for the much smaller African American sample (Tables D5). Significant positive effects are indicated by a square symbol (■), while significant negative effects are indicated by a diamond symbol (◆). Nonsignificant findings are not shown.

"Gurin" Table of Contents
"Compelling Need..." Table of Contents **Next "Gurin" Section**

APPENDIX E

CLASSROOM AND INFORMAL INTERACTIONAL DIVERSITY AT THE UNIVERSITY OF MICHIGAN

To provide context for the data presented in my statement of the impact of classroom and informal interactional diversity at Michigan, this appendix presents some findings from the Michigan Student Study on how Michigan students experience these two types of diversity.

Classroom Diversity

Classroom diversity was measured by an index constructed from two questions in the senior questionnaire. In one question students were asked to indicate, on a five-point scale ranging from "not at all" to "a great deal", the extent to which they had "been exposed" in their classes to "information and activities devoted to understanding other racial/ethnic groups and inter-racial ethnic relationships." In an attempt to measure the salience and impact of the diversity content that students encountered in their classes, the other question in this index asked students to indicate whether or not there had been a course at the university that had "an important impact on your views of racial/ethnic diversity and multiculturalism."

The different student groups at the University of Michigan varied somewhat in their involvement with diversity in their classes, although for many students in all groups this involvement was significant.

Among students of color, African American students had the most involvement with classroom diversity. Asian Americans had the least involvement, reflecting the fact that they more often majored in the natural sciences and engineering where diversity content is less relevant to the curriculum. Among African Americans, 40% indicated extensive ("quite a bit" or "a great deal") exposure to diversity content in their courses. An equal proportion indicated that their views on diversity had been significantly influenced by some course at Michigan. About one quarter of the Asian American students indicated extensive exposure and one quarter also indicated significant impact on their views on diversity.

Among white students, about one third (35%) indicated extensive exposure to diversity in their classes, and 28% said that this had a significant impact on them.

The two questions in the classroom diversity index do not explicitly indicate whether or not exposure to content on ethnicity and race through courses was a positive or negative experience. However, student responses to an open-ended question that followed the question on course impact suggest that the classroom effects were viewed as predominantly positive. This question asked students who identified a course that had affected their views on diversity to indicate "in what ways it changed your views." Over 95% of the students indicated that the impact of the course was positive. A few percent wrote about being "turned off" by the course.

Pre-College and College Interactions with Diverse Students

Pre-College Experience with Diversity

Students of different racial and ethnic groups come to Michigan with strikingly different experiences with racial and ethnic diversity. White students come from the most segregated backgrounds and hence have the most to learn from the racial/ethnic diversity they find at Michigan.

Ninety-two percent of Michigan's white students grew up in neighborhoods that were predominantly white, and 83% went to predominantly white high schools. In contrast, very few of the Latino and Asian American students had a segregated community or high school background; a little over 70% of them grew up in neighborhoods that were predominantly white, and two-thirds went to predominantly white high schools. About half of the African American students grew up in integrated or predominantly white neighborhoods, and 60% went to high schools that were integrated or predominantly white.

Extent of Interracial Relationships at Michigan

Michigan students indicate a considerable degree of interracial contact in their general relationships on the Michigan campus. For white students, who come from the most segregated backgrounds, this represents a significant increase over their pre-college experiences with personal interactions across racial and ethnic lines.

In response to a question that asked seniors to rate the "interactions they have with students from various racial/ethnic groups on campus," 40% of the white students indicated having "substantial" interaction with Asian American students and another 40% indicated having "some" interaction.

Twenty percent indicated "substantial" interaction and 45% "some" interaction with African American students. Despite the relatively low number of Latino students at Michigan, almost half the white students indicated at least "some" interaction with them.

The extent of interracial relationships is even greater among students of color, which is a reflection of the predominance of white students on the Michigan campus. Ninety-one percent of the Latino students, 86% of the Asian Americans, and 50% of the African American students have "substantial" interactions with white students.

Quality of Interracial Interactions

In addition to fairly extensive interracial interactions on the Michigan campus, the quality of these interactions is predominantly positive, particularly between white students and Asian Americans and Latinos. Students were asked to describe their relationships with the group they interacted most with on the Michigan campus. Latino and white students (and Asian American and white students) tend to view their relationships with each other as involving considerable cooperation and personal sharing, and very little hostility and tension. For example, approximately two-fifths (39%) of the white students said they "studied together" with Latino students "quite a bit" or "a great deal", and two thirds (68%) of the white students said that they "shared personal feelings and problems" in these relationships. Moreover, only 7% of the white students said they "had tense, somewhat hostile interactions" with Latino students "quite a bit" or "a great deal", and only 1% said they "had guarded, cautious interactions" this often.

About two-fifths (38%) of the white students said they "studied together" extensively with Asian American students, and about half (49%) said that they "shared personal feelings and problems" in these relationships. Only 1% of the white students said that these relationships involve extensive "tense, somewhat hostile interactions," and only 2% felt these interactions were extensively "guarded, cautious."

Their relationships with white students were viewed even more positively by Latino and Asian American students. Seventy-three percent of the Latino students and 67% of the Asian Americans said they "studied together" with white students "quite a bit" or "a great deal"; 85% of the Latino students and 70% of the Asian American students said they "shared personal feelings and problems" in these relationships. About 10% felt that these interactions were "tense, somewhat hostile" and "guarded, cautious."

Relationships that white students had with African American students were somewhat less personal than their relationships with other students of color, but very few white students felt that their interactions with African Americans were negative. Fourteen percent of the white students said that "they studied together" with African American students "quite a bit" or "a great deal"; 29% said that they "shared personal feelings and problems" in these relationships. Only 4% of the white students said that they "had tense, somewhat hostile interactions" with African American students, and only 1% said these relationships were "guarded and cautious."

From the perspective of African American students, their relationships with white students were somewhat ambivalent, reflecting negative as well as positive interactions. Twenty-six percent of the African American students said that they "studied together" extensively with white students, and 25% said that they "shared personal feelings and problems." Twenty-three percent of the African American students said that their relationships with white students were "guarded and cautious," and 15% felt that they were "tense, somewhat hostile."

Close Friendships

In addition to questions about their general interracial interactions on campus, the Michigan seniors were asked to indicate the race/ethnicity of their six closest friends at Michigan. Since students were also asked to identify race/ethnicity of their six closest friends at the time they entered Michigan, we can measure the increase in the racial/ethnic diversity of the most intimate friendships. This question is particularly pertinent for African American and white students since Asian American and Latino students came to Michigan from predominantly white environments. At the time they entered Michigan, three or more of the six best friends of 87% of the Latino students were not Latino, and three or more of the six best friends of 73% of the Asian American students were not Asian American.

While close friendship circles of African American and white students are predominantly with peers of their own backgrounds both at entrance and after four years at the University of Michigan, there is a significant increase in the racial/ethnic diversity of such friendships.

The proportion of white students who had at least one close friend of color (among their six best friends) increased from about one third (32%) at the time they entered Michigan to almost half (46%) four years later. African American students with at least one close friend who was not African American increased from slightly less than half (47%) at time of entrance to slightly more than half (54%) when they were seniors.

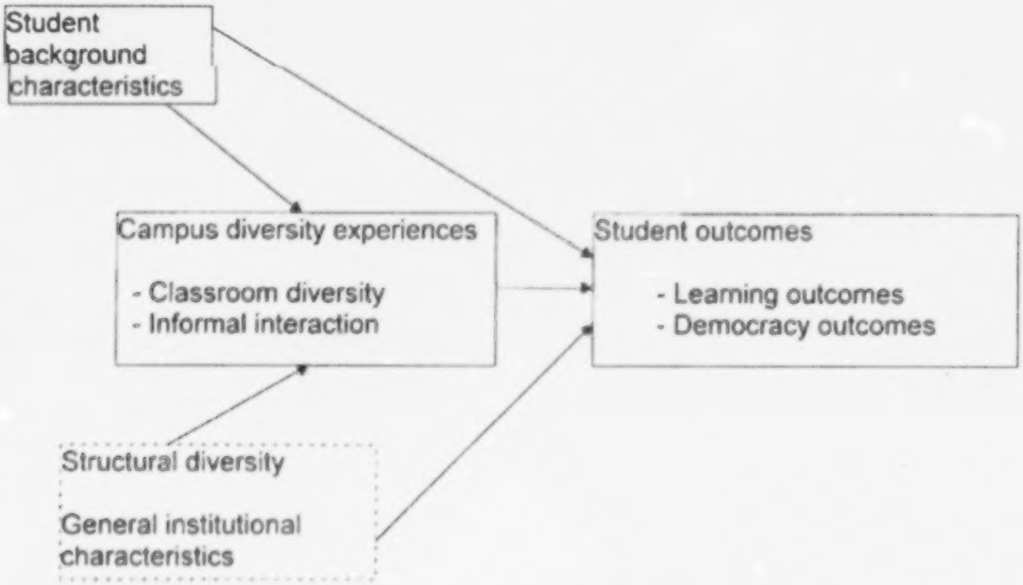
While one might hope that even more African American and white students would have increased their closest friendships with each other while at Michigan, the overall picture of interracial relationships at Michigan is predominantly positive.

It does not conform to the views of those in the public debate who have claimed that affirmative action has created hostile interracial environments on our college campuses.

"Gurin" Table of Contents

"Compelling Need..." Table of Contents

Figure 1: General analytical approach used for the three studies


Student background characteristics
Campus diversity experiences
- Classroom diversity
- Informal interaction
Student outcomes
- Learning outcomes
- Democracy outcomes
Structural diversity
General institutional characteristics

Note: The structural diversity and general institutional characteristics measures shown in the lower left of this figure are only relevant for the CIRP data analyses, as CIRP is a multi-institutional database. In contrast, the MSS and IGRCC databases are from a single institution (that is, the University of Michigan). As a result, institutional characteristics do not vary within these latter studies.

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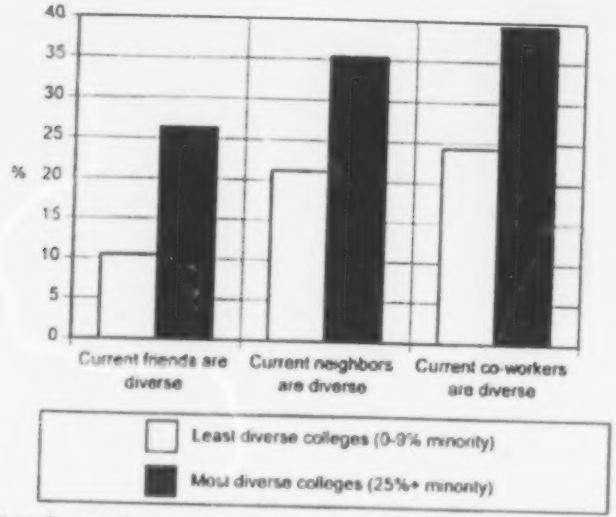
Figure 2: Structural diversity effects on interracial contact patterns after college among white students raised in predominantly white neighborhoods (CIRP study)



Notes: Diversity of friends, neighbors, and co-workers defined as half or more being non-white. "Current" responses refer to 1994, the time of the second follow-up survey.

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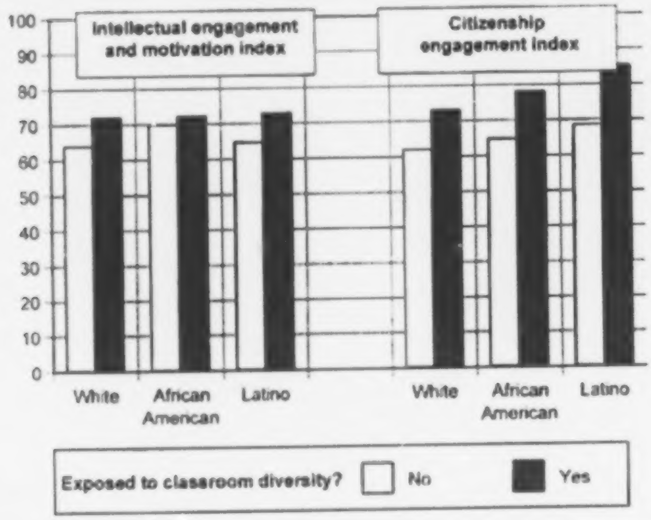
Figure 3: Classroom diversity effects on learning and democracy outcomes (CIRP study, nine-year data)



Notes: This graph shows classroom diversity effects on an index of all of the separate outcome variables represented within each of the outcome categories indicated. The indexes (and therefore the graph) represents a summation or averaging of each of the separate outcome variables after statistical standardization. After computing the indexes in standard form, the resulting values and scales were translated from z-score notation to a linear scale ranging from 0 to 100 (representing z-scores from −2 to +1) prior to graphing in order to ease visual interpretation.

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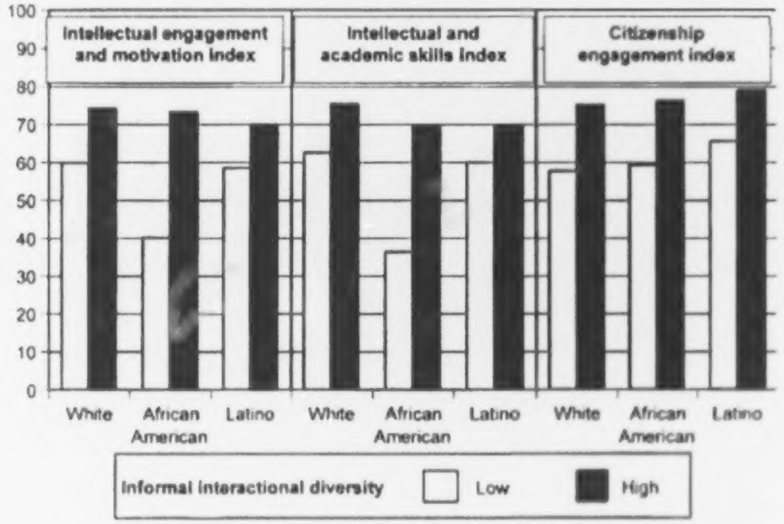
Figure 4: Effects of informal interactional diversity on learning and democracy outcomes (CIRP study, nine-year data)



Notes: This graph shows diversity effects on an index of all of the separate outcome variables represented within each of the outcome categories indicated. The indexes (and therefore the graph) represents a summation or averaging of each of the separate outcome variables after statistical standardization. After computing the indexes in standard form, the resulting values and scales were translated from z-score notation to a linear scale ranging from 0 to 100 (representing z-scores from −2 to +1) prior to graphing in order to ease visual interpretation.

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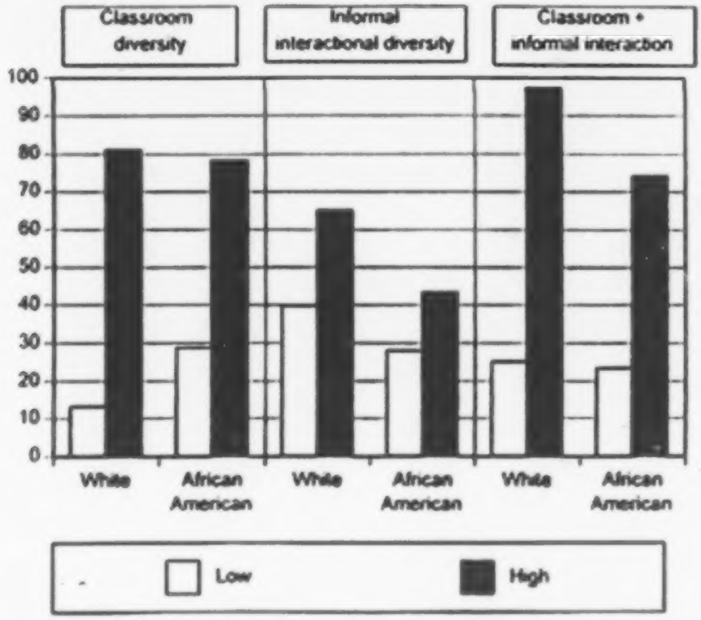
Figure 5: The effects of diversity on active thinking skills (MSS study)



Notes. This graph shows diversity effects on an index of all of the separate outcome variables represented within each of the outcome categories indicated. The indexes (and therefore the graphs) represent a summation or averaging of each of the separate outcome variables after statistical standardization. After computing the indexes in standard form, the resulting values and scales were translated from z-score notation to a linear scale ranging from 0 to 100 (representing z-scores from -.5 to +.5) prior to graphing in order to ease visual interpretation.

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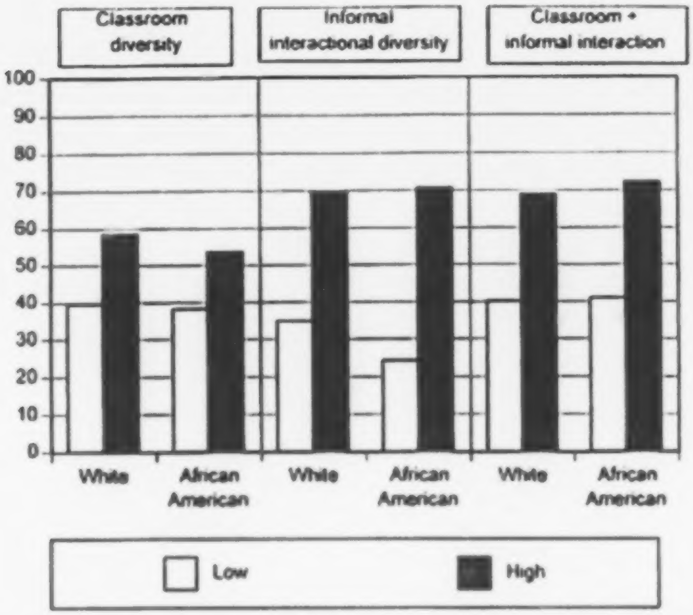
Figure 6: The effects of diversity on compatibility of differences (MSS study)



Notes. This graph shows diversity effects on an index of all of the separate outcome variables represented within each of the outcome categories indicated. The indexes (and therefore the graphs) represent a summation or averaging of each of the separate outcome variables after statistical standardization. After computing the indexes in standard form, the resulting values and scales were translated from z-score notation to a linear scale ranging from 0 to 100 (representing z-scores from - 5 to + 5) prior to graphing in order to ease visual interpretation

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Figure 7: The effect of Intergroup dialogue participation on student learning outcomes (IGRCC study)

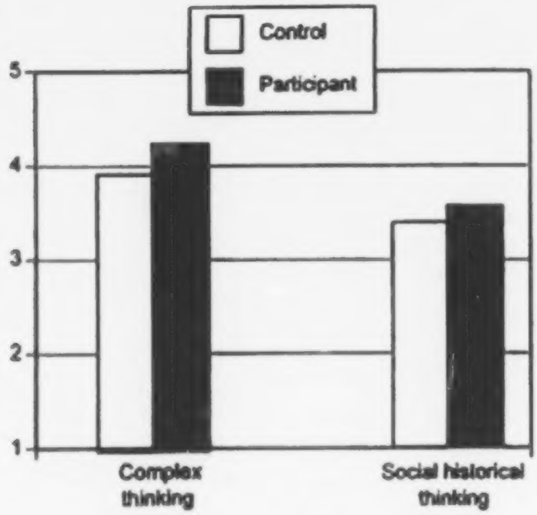

Figure 8: The effect of Intergroup dialogue participation on Compatibility of Differences (IGRCC study)

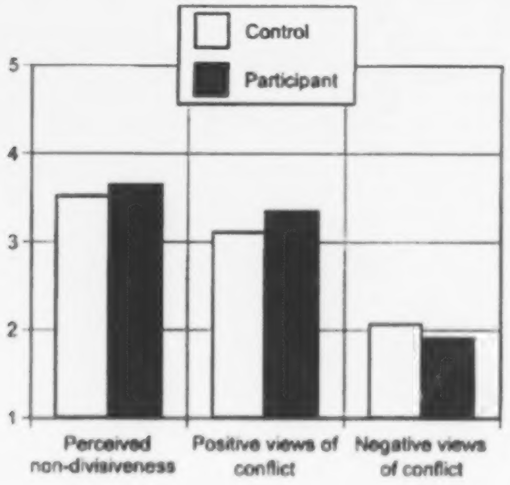

Figure 9: The effect of Intergroup dialogue participation on Compatibility of Differences: Mutuality (IGRCC study)

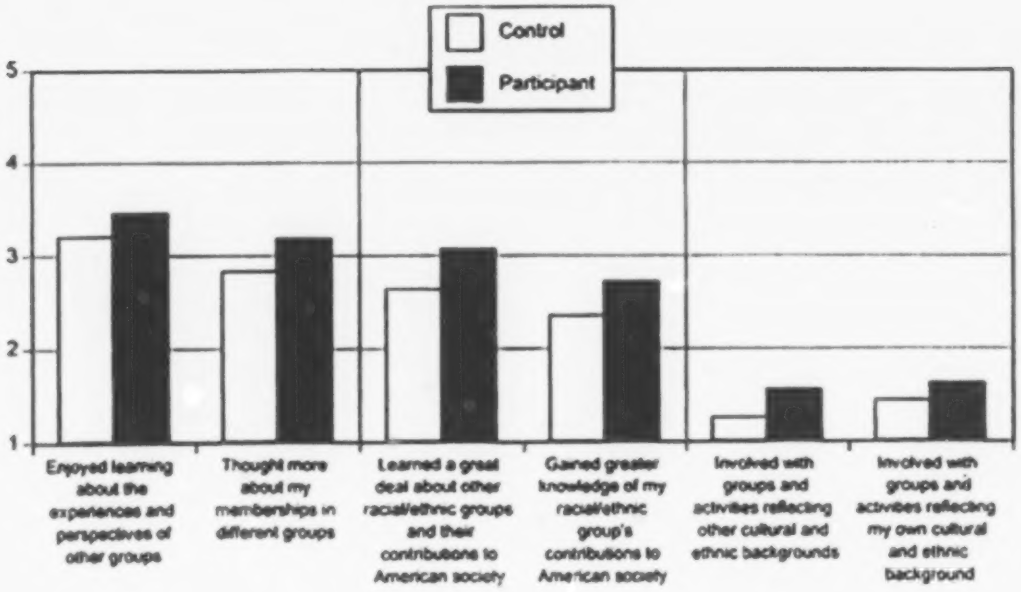

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Figure 10: The effect of Intergroup dialogue participation on Citizenship Engagement (IGRCC study)

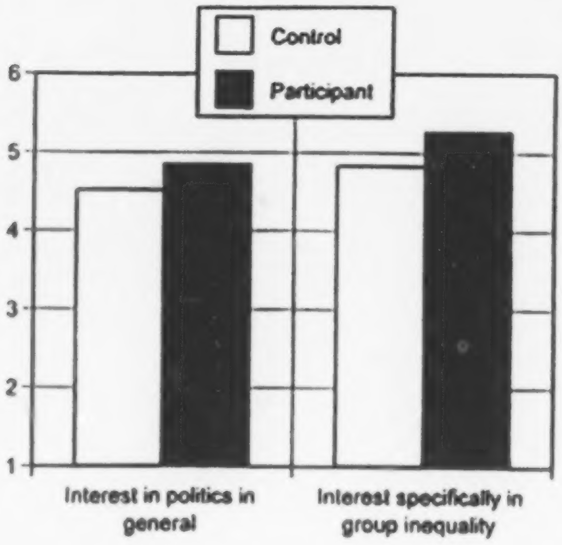

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Table C1
Learning outcomes from the CIRP study among White students

		Informal interaction diversity			
Outcomes	Classrom diversity	Workshop	Discussion	Socializing	Close college friends were diverse
Four-year learning outcomes: Engagement and motivation					
Graduate degree aspiration	■	■	■	■	■
Drive to achieve		■		■	
Self-confidence (Intellectual)	■		■	■	
Write original works (poems, novels, short stories, etc.)	■	■	■	■	■
Create artistic works (painting, sculpture, decorating, etc.)	■	■	■	■	■
Preparation for graduate/professional school		■	■	■	
Four-year learning outcomes: Intellectual and academic skills					
Average undergraduate grades (self-reported)			■		
General knowledge	■	■	■	■	
Academic ability	■		■		
Writing	■	■	■	■	
Listening ability	■	■	■	■	■
Analytical and problem-solving skills			■	■	
Ability to think critically	■	■	■	■	
Writing skills	■	■	■	■	
Foreign language skills	■	■	■	■	

		Informal interaction diversity			
Outcomes	Classrom diversity	Workshop	Discussion	Socializing	Close college friends were diverse
Nine-year learning outcomes: Engagement and motivation					
Average undergraduate grades (self-reported)		■		■	
Self-confidence (Intellectual)	■		■	■	
Write original works (poems, novels, short stories, etc.)	■	■	■		■
Create artistic works (painting, sculpture, decorating, etc.)	■	■	■	■	■
Nine-year learning outcomes: Intellectual and academic skills					
Academic ability			■	■	
Writing	■	■	■	■	
Listening ability		■	■	■	
Nine-year learning outcomes: Valued skills					
General knowledge	■		■	■	

Analytical and problem-solving skills			■	■	
Ability to think critically	■	■	■	■	
Writing	■	■	■		
Foreign language skills	■	■	■	■	■

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .05) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents Empirical Results Section

Table C2
Learning outcomes from the CIRP study among African-American and Latino students

	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Four-year learning outcomes: Engagement and motivation										
Degree aspiration in 1989								■		
Drive to achieve		■				■	■			
Self-confidence (Intellectual)										
Write original works (poems, novels, short stories, etc.)										
Create artistic works (painting, sculpture, decorating, etc.)		■					■			
Preparation for graduate/professional school						■	◆			

	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Four-year learning outcomes: Intellectual and academic skills										
Average undergraduate grades (self-reported)	◆					■				
General knowledge				■						
Academic ability						■				
Writing		■	■	■			■	■		
Listening ability		■		■					■	
Analytical and problem-solving skills		■								
Ability to think critically			■							
Writing skills		■	■							
Foreign language skills		■				■				

	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends

Nine-year learning outcomes: Engagement and motivation										
Average undergraduate grades (self-reported)		■				■				
Self-confidence (Intellectual)										
Write original works (poems, novels, short stories, etc.)		■								◆
Create artistic works (painting, sculpture, decorating, etc.)		■	■							◆
	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Nine-year learning outcomes: Intellectual and academic skills										
Academic ability										
Writing			■					■		
Listening ability										
	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Nine-year learning outcomes: Valued skills										
General knowledge					■					
Analytical and problem-solving skills	◆									
Ability to think critically										
Writing			■							
Foreign language skills						■				

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .10) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents Empirical Results Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

Table C3

Democracy outcomes from the CIRP study among White students

		Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Close college friends were diverse
Four-year democracy outcomes: Citizenship engagement					
Influencing the political structure	■	■	■	■	
Influencing Social values	■	■	■	■	
Helping others in difficulty	■	■	■	■	
Being involved in programs to clean up the environment	■	■	■	■	
Create artistic works (painting, sculpture, decorating, etc.)	■	■	■	■	
Participating in community action program	■	■	■	■	
Four-year democracy outcomes: Racial/cultural engagement					
Promoting racial understanding	■	■	■	■	■
Cultural awareness and appreciation	■	■	■	■	■
Academic ability	■	■	■	■	■

		Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Close college friends were diverse
Nine-year democracy outcomes: Citizenship engagement					
Hours/week spent in volunteer work/community service	■	■	■	■	■
Number of community service activities participated in	■	■	■	■	■
Community service reason: To give me a chance to work with people different than me	■	■	■	■	■
Community service reason: To improve society as a whole	■	■	■	■	■
Community service reason: To improve my community	■	■	■	■	■
Community service reason: To fulfill my social responsibility	■	■	■		
Influencing the political structure	■	■	■	■	■
Influencing social values	■	■	■	■	
Helping others in difficulty	■	■	■	■	■
Being involved in programs to clean up the environment	■	■	■	■	■
Participating in a community action program	■	■	■	■	■
Nine-year democracy outcomes: Racial/cultural engagement					
Promoting racial understanding	■	■	■	■	■
Cultural awareness and appreciation	■	■	■	■	■
Acceptance of persons from different races/cultures	■	■	■	■	■

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .05) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

"discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents   Empirical Results Section

Table C4
Democracy outcomes from the CIRP study among African-American and Latino students

	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Four-year democracy outcomes: Citizenship engagement										
Influencing the political structure		■	■					■		
Influencing social values		■	■							
Helping others in dificulty		■	■		■	■				
Being involved in programs to clean up the environment										
Participating in a community action program			■				■	■	■	
Four-year democracy outcomes: Racial/cultural engagement										
Promoting racial understanding	■		■		■	■		■	■	
Cultural awareness and appreciation	■		■		■			■		
Acceptance of persons from different races/cultures				■				■		
	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Nine-year democracy outcomes: Citizen engagement										
Hours/week spent in volunteer work/community service								■		
Number of community service activities participated in		■			■					
Community service reason: To give me a chance to work with people different from me										
Community service										

reason: To improve society as a whole							■			
Community service reason: To improve my community		■			■				■	■
Community service reason: To fulfil my social responsibility		■	■							■
Influencing the political structure								■		
Influencing social values										
Helping others in difficulty	■	■			■	■				
Being involved in programs to clean up the environment							■			
Participating in a community action program		■	■		■	■				
	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Nine-year democracy outcomes: Racial/cultural engagement										
Promoting racial understanding								■		
Cultural awareness and appreciation	■	■				■				
Acceptance of persons from different races/cultures						■	■			

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .10) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents   Empirical Results Section

Table C4

Democracy outcomes from the CIRP study among African-American and Latino students

	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Four-year democracy outcomes: Citizenship engagement										
Influencing the political structure		■	■					■		
Influencing social values		■	■							
Helping others in dificulty		■	■		■	■				
Being involved in programs to clean up the environment										
Participating in a community action program			■				■	■	■	
Four-year democracy outcomes: Racial/cultural engagement										
Promoting racial understanding	■		■		■	■		■	■	
Cultural awareness and appreciation	■		■		■			■		
Acceptance of persons from different races/cultures				■				■		

	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Nine-year democracy outcomes: Citizen engagement										
Hours/week spent in volunteer work/community service								■		
Number of community service activities participated in		■			■					
Community service reason: To give me a chance to work with people different from me										
Community service										

reason: To improve society as a whole							■			
Community service reason: To improve my community		■			■				■	■
Community service reason: To fulfil my social responsibility		■	■							■
Influencing the political structure								■		
Influencing social values										
Helping others in difficulty	■	■			■	■				
Being involved in programs to clean up the environment							■			
Participating in a community action program		■	■		■	■				
	African Americans					Latinos				
		Informal interaction diversity					Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends	Classrom diversity	Workshop	Discussion	Socializing	Same race: Close college friends
Nine-year democracy outcomes: Racial/cultural engagement										
Promoting racial understanding								■		
Cultural awareness and appreciation	■	■				■				
Acceptance of persons from different races/cultures						■	■			

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .10) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents Empirical Results Section

Table C5

Skills and experiences related to living in a diverse society: White students

		Informal interaction diversity			
	Classrom diversity	Workshop	Discussion	Socializing	Close college friends were diverse
How well did your indergraduate education prepare you for graduate school?	■	■	■	■	
How well did your indergraduate education prepare you for your current/most recent job?		■	■	■	◆
Past year: Discussed race/ethnic issues	■	■	■	■	■
Past year: Socialized with someone of another race/ethnic group	■	■	■	■	■
Current close friends are diverse	■	■	■	■	■
Current neighbors are diverse	■	■	■	■	■
Current work associates are diverse		■	■	■	■

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .05) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents Empirical Results Section

Table C6

Skills and experiences related to living in a diverse society: African-American and Latino students

	African Americans					Latinos				
	Informal interaction diversity					Informal interaction diversity				
	Class-room diversity	Work-shop	Discus-sion	Social-izing	Same race: Close college friends	Class-room diversity	Work-shop	Discus-sion	Social-izing	Same race: Close college friends
Living in a diverse society										
How well did your undergraduate education prepare you for graduate school?	■					■				
How well did your undergraduate education prepare you for your current/most recent job?			◆							
Past year: Discussed racial/ethnic issues			■		◆	■		■		◆
Past year: Socialized with someone of another racial/ethnic group				■	■	■	◆		■	
Current close friends are diverse				■	■	◆	◆			■
Current neighbors are diverse										■
Current work associates are diverse									■	■

Notes: All outcome meaures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects ($p > .10$) not shown. "Classroom Diversity" was measured by the students' enrollment in an ethnic studies course in college. "Workshop" refers to attendance at a racial/cultural awareness workshop in college. "Discussion" and "Socializing" were measured by the frequency with which the student "discussed racial/ethnic issues" and "socialized with someone of another racial/ethnic group" during college.

Table of Contents   **Empirical Results Section**

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

Table i1
Learning outcomes from the classroom study on the intergroup relations, community, and conflict (IGRCC) program

	IGRCC participation
Active thinking	
Increased complex thinking	■
Social historical thinking	■

Notes: IGRCC Participation during the first year of college is a dichotomous measure: psrticipant, nonparticipant. The two groups were matched as first year students, for gender, race/ethnicity, instate-out of state residency, and residence hall at Michigan. Each group was followed for four years: The outcome measures shown here come from the fourth year questionnaires that both groups completed. Positive effects indicated by a square; negative effects indicated by a diamond. Nonsignificant effects (p. > .05) not shown.

Table of Contents

Empirical Results Section

Table i2
Democracy outcomes from the classroom study on the intergroup relations, community, and conflict (IGRCC) program

	IGRCC participation
Citizenship engagement	
Perspective-taking	■
Interest in politics in general	■
Interest specifically in group inequality	■
Commitment to future political involvement	■
Involvement in campus political activities	■
Involvement in community service	■
Involvement in student government	
Anticipated commitment to community/politics after college	■
Compatibility of differences	
Mutuality	
Enjoyed learning about the experiences and perspectives of other groups	■
Thought more about my memberships in different groups	■
Learned a great deal about other racial/ethnic groups and their contributions to American society	■
Gained greater knowledge of my racial/ethnic groups' contributions to American society	■
Involved with groups and activities reflecting other cultural and ethnic backgrounds	■
Involved with groups and activities reflecting my own cultural and ethnic background	■
Perceived non-devisiveness	■
Positive views of conflict	■
Negative views of conflict	◆

Notes: IGRCC Participation during the first year of college is a dichotomous measure: psrticipant, nonparticipant. The two groups were matched as first year students, for gender, race/ethnicity, instate-out of state residency, and residence hall at Michigan. Each group was followed for four years: The outcome measures shown here come from the fourth year questionnaires that both groups completed. Positive effects indicated by a square; negative effects indicated by a diamond. Nonsignificant effects (p. > .05) not shown.

Table of Contents Empirical Results Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

Table M1

Learning outcomes from the Michigan Student Study: White students

		Informal interaction diversity						Classroom & informal interaction combined	
Student outcomes	Classrom diversity	Personal interactions	Negative interactions	Amount of interaction w/SOC	Amount of interaction w/AfrAm	Diversity of 6 best friends	Participation with other groups	Dialogue groups	Number of multicultural events
Active thinking									
Increased complex thinking	■	■						■	■
Social historical thinking	■	■					■	■	■
Engagement and motivation									
Intellectual engagement	■						■		■
Graduate school intentions	■	■							■

Notes: All outcome measures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .05) not shown. "Classroom Diversity" was measured by the extent to which students& said they had been exposed to and affected by diversity issues in the classroom. Intimate interactions were measured by the extent to which interactions with other racial/ethnic groups involved "honest discussions about race", and "sharing of personal feelings and problems". "Negative interactions" were measured by the extent to which these interactions were "guarded" and "hostile". "Amount of interaction with African Americans" (AfAm) and "Amount of interaction with Students of Color" (SOC) refer to the extent to which white students had general interracial relationships on campus. "Participation with Other Groups" was measured by involvement in activities on campus involving other racial/ethnic groups. "Dialogue Groups" refers to participation in a program of intergroup dialogue and conflict resolution at the University of Michigan. "Number of Multicultural Events" refers to participation in such campus-wide events as Black History Month, Hispanic Heritage Celebration, Native American POW POW, etc. for a total of five different events.

Table of Contents   **Empirical Results Section**

Table M2

Learning outcomes from the Michigan Student Study: African-American students

		Informal interaction diversity						Classroom & informal interaction combined	
Student outcomes	Classrom diversity	Personal interactions	Negative interactions	Amount of interaction w/SOC	Amount of interaction w/Whites	Diversity of 6 best friends	Participation with other groups	Dialogue groups	Number of multicultural events
Active thinking									
Increased complex thinking									
Social historical thinking	■								
Engagement and motivation									
Intellectual engagement		■			■				
Graduate school intentions					◆				

Notes: All outcome measures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .10) not shown. "Classroom Diversity" was measured by the extent to which students& said they had been exposed to and affected by diversity issues in the classroom. Intimate interactions were measured by the extent to which interactions with other racial/ethnic groups involved "honest discussions about race", and "sharing of personal feelings and problems". Negative interactions were measured by the extent to which these interactions were "guarded" and "hostile". "Amount of interaction with Whites" (AfAm) and "Amount of interaction with Students of Color" (SOC) refer to the extent to which African American students had general relationships on campus. "Participation with Other Groups" was measured by involvement in activities on campus involving other racial/ethnic groups. "Dialogue Groups" refers to participation in a program of intergroup dialogue and conflict resolution at the University of Michigan. "Number of Multicultural Events" refers to participation in such campus-wide events as Black History Month, Hispanic Heritage Celebration, Native American POW POW, etc. for a total of five different events.

Table of Contents Empirical Results Section

EXPERT REPORT OF PATRICIA GURIN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

Table M2
Learning outcomes from the Michigan Student Study: African-American students

		Informal interaction diversity						Classroom & informal interaction combined	
Student outcomes	Classrom diversity	Personal interactions	Negative interactions	Amount of interaction w/SOC	Amount of interaction w/Whites	Diversity of 6 best friends	Participation with other groups	Dialogue groups	Number of multicultural events
Active thinking									
Increased complex thinking									
Social historical thinking	■								
Engagement and motivation									
Intellectual engagement		■			■				
Graduate school intentions					◆				

Notes: All outcome measures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .10) not shown. "Classroom Diversity" was measured by the extent to which students& said they had been exposed to and affected by diversity issues in the classroom. Intimate interactions were measured by the extent to which interactions with other racial/ethnic groups involved "honest discussions about race", and "sharing of personal feelings and problems". Negative interactions were measured by the extent to which these interactions were "guarded" and "hostile". "Amount of interaction with Whites" (AfAm) and "Amount of interaction with Students of Color" (SOC) refer to the extent to which African American students had general relationships on campus. "Participation with Other Groups" was measured by involvement in activities on campus involving other racial/ethnic groups. "Dialogue Groups" refers to participation in a program of intergroup dialogue and conflict resolution at the University of Michigan. "Number of Multicultural Events" refers to participation in such campus-wide events as Black History Month, Hispanic Heritage Celebration, Native American POW POW, etc. for a total of five different events.

Table of Contents   Empirical Results Section

Table M3

Democracy outcomes from the Michigan Student Study: White students

		Informal interaction diversity						Classroom & informal interaction combined	
Student outcomes	Classrom diversity	Personal interactions	Negative interactions	Amount of interaction w/SOC	Amount of interaction w/Whites	Diversity of 6 best friends	Participation with other groups	Dialogue groups	Number of multicultural events
Compatibility of differences									
Increased sense of commonality									
African Americans			◆	■	■				■
Asian Americans		■	◆	■		■	■		■
Latinos			◆	■					■
Learned differences not inevitably devisive	■				■	■			■
Citizenship engagement									
Perspective-taking	■	■	◆	■				■	■
Racial/cultural engagement									
Learned about other groups	■	■		■	■	■	■	■	■

Notes: All outcome measures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .05) not shown. "Classroom Diversity" was measured by the extent to which students said they had been exposed to and affected by diversity issues in the classroom. Intimate interactions were measured by the extent to which interactions with other racial/ethnic groups involved "honest discussions about race", and "sharing of personal feelings and problems". Negative interactions were measured by the extent to which these interactions were "guarded" and "hostile". "Amount of interaction with Whites" (AfAm) and "Amount of interaction with Students of Color" (SOC) refer to the extent to which white students had general relationships on campus. "Participation with Other Groups" was measured by involvement in activities on campus involving other racial/ethnic groups. "Dialogue Groups" refers to participation in a program of intergroup dialogue and conflict resolution at the University of Michigan. "Number of Multicultural Events" refers to participation in such campus-wide events as Black History Month, Hispanic Heritage Celebration, Native American POW POW, etc. for a total of five different events.

Table of Contents Empirical Results Section

Table M4

Democracy outcomes from the Michigan Student Study: African American students

		Informal interaction diversity						Classroom & informal interaction combined	
Student outcomes	Classrom diversity	Personal interactions	Negative interactions	Amount of interaction w/SOC	Amount of interaction w/Whites	Diversity of 6 best friends	Participation with other groups	Dialogue groups	Number of multicultural events
Compatibility of differences									
Increased sense of commonality									
Whites			◆	◆				■	
Asian Americans		■		■	■	■	■		
Latinos									■
Learned differences not inevitably devisive	■			■					
Citizenship engagement									
Perspective-taking					■			■	■
Racial/cultural engagement									
Learned about other groups	■	■		■					

Notes: All outcome measures reflect student growth since entering college. Details on the specific measurement approach used are found in Appendix C. Positive effects indicated by square; negative effects indicated by diamond. Nonsignificant effects (p > .10) not shown. "Classroom Diversity" was measured by the extent to which students said they had been exposed to and affected by diversity issues in the classroom. Intimate interactions were measured by the extent to which interactions with other racial/ethnic groups involved "honest discussions about race", and "sharing of personal feelings and problems". Negative interactions were measured by the extent to which these interactions were "guarded" and "hostile". "Amount of interaction with Whites" (AfAm) and "Amount of interaction with Students of Color" (SOC) refer to the extent to which African American students had general relationships on campus. "Participation with Other Groups" was measured by involvement in activities on campus involving other racial/ethnic groups. "Dialogue Groups" refers to participation in a program of intergroup dialogue and conflict resolution at the University of Michigan. "Number of Multicultural Events" refers to participation in such campus-wide events as Black History Month, Hispanic Heritage Celebration, Native American POW POW, etc. for a total of five different events.

Table of Contents Empirical Results Section

EXPERT REPORT OF WILLIAM G. BOWEN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)

I. Statement of Qualifications:

I am currently the president of the Andrew W. Mellon Foundation; I have held that position since 1988. Prior to that, I served as president of Princeton University for sixteen years, from 1972 to 1988, and as provost for five years, from 1967 to 1972. I was a Prosssor of Economics at Princeton University from 1965 until 1988; I had been a member of the faculty since 1958. I currently serve as a member of several corporate boards, including American Express and Merck & Co., Inc. I have written extensively about issues of higher education, including the consideration of race in admissions. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.

II. Information Considered in Forming Opinions:

My opinions are based, in large part, on The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions, William G. Bowen and Derek Bok, Princeton University Press (1998). A copy of the book will be provided upon request.

III. Other expert testimony; compensation:

I have not testified as an expert at trial or by deposition within the preceding four years. I am not receiving any compensation for my work in connection with this matter.

IV. Opinions to be expressed and the basis and reasons therefor:

Higher education plays a unique role in our society. The obligation of a university is to the society at large over the long run, and, even more generally, to the pursuit of learning. Although this may seem amorphous, there is no escaping a university's obligation to try to serve the long-term interests of society defined in the broadest and least parochial terms, and to do so through two principal activities: advancing knowledge and educating students who will in turn serve others, within this nation and beyond it, both through their specific vocations and as citizens. Universities therefore are responsible for imparting civic and democratic values that are essential to the functioning of our nation.

Our society -- indeed, our world -- is and will continue to be multi-racial. We simply must learn to work more effectively and more sensitively with individuals of other races, and a diverse student body can make a profound and direct contribution to the achievement of this end. In the 1960s, barely one percent of law students and two percent of medical students in America were black. At that time, few leading professional schools and nationally prominent colleges and universities enrolled more than a handful of blacks. Late in the decade, however, selective institutions set about to change these statistics, not by establishing quotas, but by considering race, along with many other factors, in assembling a diverse student body of varying talents, backgrounds, and perspectives. Schools sought to achieve diversity to cross the racial borders that separated large segments of society and to reap the educational benefits to all students of learning on a diverse campus, in which they would transcend the misperceptions and stereotypes that had been borne of racial separation. These selective institutions recognized that a student body containing many different backgrounds, talents, and experiences would be a richer environment in which all students could better develop into productive, contributing members of our society.

Amid much passionate debate, there has been little hard evidence of how these policies work and what their consequences have been. To remedy this deficiency, Derek Bok and I examined the college experiences of more than 60,000 students -- approximately 3,500 of whom were black -- who had entered 28 selective colleges and universities in the fall of 1976 and the fall of 1989;[1] we also surveyed a sub-set of these students (with a survey response rate of about 80%) and thus studied the later life experiences and views of 30,000 students. This massive database, built jointly by the schools and the Andrew W. Mellon Foundation, for the first time links information such as Scholastic Assessment Test ("SAT") scores and college majors to experiences after college, including graduate and professional degrees, earnings, and civic involvement. Most of our study focused on African-Americans and whites, because the Latino and Native American populations at these schools were too small in 1976 to permit the same sort of statistical analysis. Nevertheless, many of the findings may be applicable to these groups as well. Our conclusions are set forth in The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions, William G. Bowen and Derek Bok, Princeton University Press (1998). This report attempts to summarize some of our findings. My testimony in this case will draw upon the book, as well as my 40 years of experience in academia, including my tenure as provost (five years) and president (16 years) of Princeton University, and my experience as a member of several corporate boards.

As a necessary predicate, a university must have the freedom to decide which students it will admit and which criteria it will use in its admissions decisions. This academic freedom is crucial in order for a school to fulfill its mission. At bottom, admissions officers must decide which set of applicants, *considered individually and collectively*, will take fullest advantage of what the college has to offer, contribute most to the educational process in college, and be most successful in using what they have learned for the benefit of the larger society.

Any college or university to which admissions is highly competitive, such as the University of Michigan at Ann Arbor, has far more applicants who possess all the basic qualifications than it has places. Some candidates (a relatively small number) are so outstanding in every respect that they are obvious choices for admission by any standard. The real problems of choice arise in deciding which individuals to admit from among the large group who also have very strong qualifications, who are thought capable of doing the work and doing it well, but who are not so clearly outstanding as to be placed in the very top category.

In my experience, in deciding among this group, a school does not start from the premise that any applicant has a "right" to a place in a college or university. Instead, the starting premise is that a school has an obligation to make the best possible use of the limited number of places in each entering class so as to advance as effectively as possible the broad purposes the school seeks to serve. Within the very real limits imposed by the fallibility of any selection process of this kind, a school should try hard to be fair to every applicant; but the concept of fairness itself has to be understood within the context of the obligations of a university. Accordingly, in making these difficult choices among well-qualified candidates, considerations other than just test scores and grades come into play.

The relevance of these other considerations is based on the premise that the overall quality of the educational program is affected not only by the qualities of the individual students who are enrolled, but also by the characteristics of the entire group of students who share a common educational experience. While I believe this to be true for graduate programs too, my own experience confirms the importance for undergraduate education and, as a consequence, affects admission decisions much more significantly at that level. If there is a difference, it is only one of degree, related partly to the ages and experiences of the students, partly to the purposes of their educational programs and especially to the emphasis given to academic specialization, and partly to the respective roles of extracurricular and curricular activities.

In a residential college setting, in particular, a great deal of learning occurs informally. It occurs through interactions among students of both sexes; of different races, religions, and backgrounds; who come from cities and rural areas, from various states and countries; who have a wide variety of interests, talents, and perspectives; and who are able, directly or indirectly, to learn from their differences and to stimulate one another to reexamine even their most deeply held assumptions about themselves and their world. As a wise graduate of Princeton University observed in commenting on this aspect of the educational process, "People do not learn very much when they are surrounded only by the likes of themselves."

It follows that if, say, 2,000 individuals are to be offered places in an entering undergraduate class, the task of an admissions office is not simply to decide which applicants offer the strongest credentials as separate candidates for the college; the task, rather, is to assemble a total class of students, all of whom will possess the basic qualifications, but who will also represent, in their totality, an interesting and diverse amalgam of individuals who will contribute through their diversity to the quality and vitality of the overall educational environment.

This concern for the composition of the undergraduate student body, as well as for the qualifications of its individual members, takes many forms. While a school is of course interested in enrolling students who are good at a great many things and not one-dimensional in any sense, it should also try to enroll students with special interests and talents in the arts and in athletics; it should seek a wide geographical representation; it should admit foreign students from a variety of countries and cultures; it should recognize the special contribution that the sons and daughters of alumni can make by representing and communicating a sense of the traditions and the historical continuity of the university; it should enroll students from a range of socioeconomic backgrounds; and it should work consciously and deliberately to include minority students, who themselves represent a variety of experiences and viewpoints.

We must accept as a fact of life in contemporary America that the perspectives of individuals are often affected by their race as by other aspects of their background. If a university were unable to take into account the race of candidates, it would be much more difficult to consider carefully and conscientiously the composition of an entering class that would offer a rich educational experience to all of its members. The unplanned, casual encounters with roommates, fellow sufferers in an organic chemistry class, student workers in the library, teammates on a basketball squad, or other participants in class affairs or student government can be subtle and yet powerful sources of improved understanding and personal growth.

Indeed, the data in our study prove what I have observed for years through experience -- that diversity is valued and that "learning through diversity" actually occurs. Our study indicates that diversity is a benefit for all students, minorities and nonminorities alike. Moreover, the data overwhelmingly demonstrate that minority students admitted to selective schools had strong academic credentials, graduated in large numbers and did very well after leaving college. By every measure of success (graduation, attainment of professional degrees, employment, earnings, civic participation, and overall satisfaction), the more selective the school, the more blacks achieved (holding constant their initial test scores and grades).

It is true that compared with their extremely high-achieving white classmates, black students in general received somewhat lower college grades and graduated at moderately lower rates. The reasons for these disparities are not fully understood, and selective institutions need to be more creative in helping improve black performance, as a few universities already have succeeded in doing. Still, 75 percent graduated within six years from the school they first entered, a figure well above the 40 percent of blacks and 59 percent of whites who graduated nationwide from the 305 universities tracked by the National Collegiate Athletic Association. Moreover, blacks did not earn degrees from these selective schools by majoring in easy subjects. They chose substantially the same concentrations as whites and were just as likely to have difficult majors, such as those in the sciences and engineering. These and other findings refute the argument that when black students are admitted to schools where many other students have stronger academic qualifications than their own -- as measured by grades and test scores -- that those students not only will drop out, but that they would have been better off attending a less selective institution.

Although over half of the black students attending these selective schools would have been rejected under a race-neutral admissions regime -- that is, if only the same proportions of black and white students had been admitted within each SAT interval -- they have done exceedingly well after college. Fifty-six percent of the black graduates who had entered these selective schools in 1976 went on to earn advanced degrees. A remarkable 40 percent received either PhDs or professional degrees in the most sought-after fields of law, business and medicine, a figure slightly higher than that for their white classmates and five times higher than that for blacks with bachelor's degrees nationwide. (As a measure of change, it is worth noting that by 1995, 7.5 percent of all law students in the United States were black, up from barely 1 percent in 1960; and 8.1 percent of medical school students were black, compared with 2.2 percent in the mid-1960s. Black elected officials now number more than 8,600.)

By the time of our survey, black male graduates who had entered selective schools in 1976 were earning an average of $85,000 a year, 82 percent more than other black male college graduates nationwide. Their black female classmates earned 73 percent more than all black women with bachelor's degrees. Not only has the marketplace valued the work of these graduates highly, but the premium associated with attending one of these selective institutions was substantial. Overall, we found that among blacks with similar test scores, the more selective the college they attended, the more likely they were to graduate, earn advanced degrees and receive high salaries. This was generally true for whites as well.

Despite their high salaries, the blacks in our study were not just concerned with their own advancement. In virtually every type of civic activity, from social service organizations to parent associations, black men were more likely than their white classmates to hold leadership positions. Much the same pattern holds for women. These findings should reassure black intellectuals who have worried that blacks -- especially black men -- would ignore their social responsibilities once they achieved financial success.

Were black students demoralized by having to compete with whites with higher high school grades and test scores? Is it true, as Dinesh D'Souza asserts in his book "Illiberal Education," that "American universities are quite willing to sacrifice the future happiness of many young blacks and Hispanics to achieve diversity, proportional representation, and what they consider to be multicultural progress"? The facts are very clear on this point. Far from being demoralized, blacks from the most competitive schools are the most satisfied with their college experience. More than 90 percent of both blacks and whites in our survey said they were satisfied or very satisfied with their college experience, and blacks were even more inclined than whites to credit their undergraduate experience with helping them learn crucial skills. We found no evidence that significant numbers of blacks felt stigmatized by race-sensitive policies. Only seven percent of black graduates said they would not attend the same selective college if they had to choose again.

Former students of all races reported feeling that learning to live and work effectively with members of other races is important. Large majorities also believed that their college experience contributed a lot in this respect. Consequently, almost 80 percent of the white graduates favored either retaining the current emphasis on enrolling a diverse class or emphasizing it more. Their minority classmates supported these policies even more strongly.

Some critics allege that race-sensitive admissions policies aggravate racial tensions by creating resentment among white and Asian students rejected by colleges they hoped to attend. Although we could not test this possibility definitively, we did examine the feelings of white students in our sample who had been rejected by their first-choice school. They said they supported an emphasis on diversity just as strongly as students who got into their first-choice schools.

Our findings also clarify the much misunderstood concept of merit in college admission. Many people suppose that all students with especially high grades and test scores "deserve" to be admitted and that it is unfair to reject them in favor of minority applicants with lower grades and test scores. But selective colleges do not automatically offer admission as a reward for past performance to anyone. Nor should they. For any institution, choosing fairly, "on the merits," means selecting applicants by criteria that are reasonably related to the purposes of the organization. For colleges and universities, this means choosing academically qualified applicants who not only give promise of doing well academically, but who also can enlarge the understanding of other students and contribute after graduation to their professions and communities. Though clearly relevant, grades and test scores are by no means all that matter.

Accordingly, an admissions policy that relied primarily on test scores would lead to the rejection of qualified minority students. The fact that, nationally, blacks are very underrepresented at the higher levels and very overrepresented at the lower levels ensures that they will have substantially lower average SAT scores even if a college were to use precisely the same SAT cut-off in admitting white and black students. For example, if a school admitted every applicant with SAT scores over 1100 and none with lower scores, the white students would still have a higher average SAT score than the black students because relatively more of them score at the upper end of the SAT distribution. This result occurs even though *no* racial preference was given in this hypothetical situation.

As a group, however, the black applicants are highly qualified. Of the black applicants at five of the 28 schools for which detailed admission data were available in 1989, over 90 percent scored above the national average for black test-takers on both the verbal and math SATs, considered separately. The large majority of these black applicants handily outscored not only the average black test-taker, but also the average white test-taker. Moreover, the average SAT score for black matriculants in 1989 was slightly higher than the average SAT score for *all* matriculants in 1951.

Talk of basing admissions mainly on test scores and grades assumes a model of admissions radically different from the one that exists today. Such a policy would mandate a fundamental change of direction for institutions that recognize the many dimensions of "qualification": the importance of a good fit between the student and the educational program, the varied paths that individuals follow in developing their abilities, and the pitfalls of basing assessments of talent and potential solely on narrowly defined quantitative measures. Instead, as I described earlier, admissions officers have been "picking and choosing," as we believe they should always do -- admitting the candidate who seems to offer something special by way of drive and determination, the individual with a set of skills that matches well the academic requirements of the institution, someone who will bring another dimension of diversity to the student body, or a candidate who helps the institution fulfill a particular aspect of its mission.

Because other factors are important -- including hard-to-quantify attributes such as determination, motivation, creativity and character -- many talented students, white and black, are rejected even though they finished in the top 5 percent of their high school class. The applicants selected are students who were also above a high academic threshold but who seemed to have a greater chance of enhancing the education of their classmates and making a substantial contribution to their professions and society. Seen from the perspective of how well they served the missions of these educational institutions, the students admitted were surely "meritorious."

Could the values of diversity be achieved equally well without considering race explicitly? The Texas legislature has tried to do so by guaranteeing admission to the state's public universities for all students who finish in the top 10 percent of their high school class. Others have suggested using income rather than race to achieve diversity. The available evidence indicates that neither alternative is likely to be as effective as race-sensitive admissions in enrolling an academically well prepared and diverse student body. First, the Texas approach would admit some students from weaker high schools while turning down better-prepared applicants who happen not to finish in the top tenth of their class in academically stronger schools. So long as high schools differ so substantially in the academic abilities of their students and the level of difficulty of their courses, treating all applicants alike if they finished above a given high school class rank provides a spurious form of equality that is likely to damage the academic profile of the overall class of students admitted to selective institutions. Instead of being an effective substitute for race-sensitive admissions policies, this approach could well have the effect of diminishing the pool of students who can compete effectively for the most demanding positions of leadership in business, government, and the professions.

Second, income-based strategies are unlikely to be good substitutes for race-sensitive admissions policies because there are simply too few blacks and Latinos from poor families who have strong enough academic records to qualify for admission to highly selective institutions. Children from poor black and Hispanic families make up less than half of all poor children and are much less likely than poor whites to excel in school. For example, the data show that among all students from families with incomes under $20,000 who also finished in the top tenth percent of their high school class, only one in six is black or Hispanic. Thus, moving from a race-sensitive admissions policy to a class-based one would substantially reduce the minority enrollments at selective institutions, and severely impair current efforts to achieve racial diversity.

What would happen if universities were flatly prohibited from considering race in admissions? Our findings suggest that over half of the black students in selective colleges today would have been rejected. Plainly, the educational benefits that students gain from learning from each other would be lost. Furthermore, we can estimate what else would be lost as a result:

- Of the more than 700 black students who would have been rejected in 1976 under a race-neutral standard, more than 225 went on to earn doctorates or degrees in law, medicine or business. Approximately 70 are now doctors and roughly 60 are lawyers. Almost 125 are business executives. The average earnings of all 700 exceeds $71,000, and well over 300 are leaders of civic organizations.
- The impact of race-neutral admissions would be especially drastic in admission to professional schools. The proportion of black students in the Top Ten law, business and medical schools would probably decline to less than 1 percent. These are the main professional schools from which most leading hospitals, law firms and corporations recruit. The result of race-neutral admissions, therefore, would be to damage severely the prospects for developing a larger minority presence in the corporate and professional leadership of America.

The reasons diversity has become so important at the highest levels of business, the professions, government, and society at large are readily apparent. By the year 2030, approximately 40 percent of all Americans are projected to be members of minority groups. More than $600 billion in purchasing power is generated by minorities and more than one-third of all new entrants to the workforce are persons of color. In this environment, a diverse corporate leadership can be valuable both to understand the markets in which many companies sell and to recruit, manage, and motivate the workforce on which corporate performance ultimately depends. The chief executive officers of major corporations have so recognized. For example, the CEO of Coca-Cola has stated that, "[a]s a company that operates in nearly 200 countries, we see diversity in the background and talent of our associates as a competitive advantage and as a commitment that is a daily responsibility." Similarly, the CEO of Chrysler has stated that "we believe that workforce diversity is a competitive advantage. Our success as a global community is as dependent on utilizing the wealth of backgrounds, skills, and opinions that a diverse workforce offers, as it is on raw materials, technology and processes."(2)

My own experience as a member of several corporate boards, including American Express and Merck & Co., confirms that these statements are echoed throughout the business community. I know that the business world has not failed to recognize and appreciate the importance of diversity. Corporations are making significant efforts in recruiting and retaining a workforce that values diversity and that can effectively conduct business worldwide. There is no question that graduates of universities with diverse populations -- whether minorities or nonminorities themselves -- offer the advantage of being valuable co-workers and managers in this increasingly diverse business climate.

Race remains a significant factor in our society. Race almost always affects an individual's life experiences and perspectives, and thus a person's capacity to contribute to the kinds of learning through diversity that occur on campuses. Both the growing diversity of American society and the increasing interaction with other cultures worldwide make it evident that going to school with "the likes of oneself" will be increasingly anachronistic. The advantages of being able to understand how others think and function, to cope across racial divides, and to lead groups composed of diverse individuals are certain to increase. Moreover, our survey data throw new light on the extent of interaction occurring on campuses today and of how positively the great majority of students regard opportunities to learn from those with different points of view, backgrounds, and experiences.

In sum, the data indicate that there is a statistically significant association between attendance at the most selective institutions and a variety of accomplishments during college and in later life. If, at the end of the day, the question is whether the most selective colleges and universities have succeeded in both enhancing the learning experience for all students and educating sizable numbers of minority students who have already achieved considerable success and seem likely in time to occupy positions of leadership throughout society, I have no problem in answering the question -- absolutely.

Footnotes

[1] The 28 colleges and universities are: Barnard College, Bryn Mawr College, Columbia University, Denison College, Duke University, Emory University, Hamilton College, Kenyon College, Miami University (Ohio), Northwestern University, Oberlin College, Pennsylvania State University, Princeton University, Rice University, Smith College, Stanford University, Swarthmore College, Tufts University, Tulane University, University of Michigan at Ann Arbor, University of North Carolina at Chapel Hill, University of Pennsylvania, Vanderbilt University, Washington University, Wellesley College, Wesleyan University, Williams College, and Yale University.

[2] M. Douglas Ivester (Chairman and CEO of The Coca-Cola Company) and Robert J. Eaton (Chairman and CEO of Chrysler Corporation), in Executive Council 1998, pp. 10, 34.

Table of Contents

EXPERT REPORT OF CLAUDE M. STEELE

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D.Mich.)

I have been Chair of the Department of Psychology at Stanford University since 1997, and a Professor of Psychology since 1991. Prior to that, I was a Professor of Psychology at the University of Michigan from 1987 to 1991; during the last two years at the University of Michigan, I also served as a Research Scientist for the Institute for Social Research. Before that, I was a member of the faculty at the University of Washington from 1973 to 1987. I have written extensively about the psychology of how minority groups, especially African Americans, contend with negative stereotypes and the role this process can play in their school achievement and standardized test performance. A complete curriculum vitae, including a list of publications, is attached hereto as Appendix A. I have not testified as an expert at trial or by deposition in any prior case. I am being compensated at a rate of $200 per hour for my work in connection with this matter.

My testimony is based, most generally, on an expertise that has been developed over a 25-year period of research in the areas of social psychology, the social psychology of race and race relations, and the effects of race on standardized test performance. In preparing this testimony I have consulted a broad range of knowledgeable colleagues and experts in these areas, as well as the relevant research liteature. My testimony is also based on a 10-year research program that I have directed, the aim of which has been to understand the role of race and gender stereotypes in shaping test performance and the formation of academic identities.

Although most of the relevant data used in this report comes from research done on the SAT exam (the Educational Testing Service has broadly disseminated substantial information on the characteristics and validity of data on the SAT), my conclusions can fairly be generalized to the ACT and LSAT exams, as well. These tests are so similar in the way they are constructed, what they measure, and their purpose (aids to admission decisions in higher education) that I treat them as a single class of tests with the presumption that, as far as my testimony goes, what is said of one test generalizes to the others as well. Throughout my testimony, then, when reference is made to testing data, unless otherwise specified, it refers to data based on the SAT.

OPINIONS TO BE EXPRESSED

Standardized admissions tests such as the SAT, the ACT, and the LSAT are of limited value in evaluating "merit" or determining admissions qualifications of all students, but particularly for African American, Hispanic, and American Indian applicants for whom systematic influences make these tests even less diagnostic of their scholastic potential. The first part of this caution--that the test should not be relied upon too heavily in general admissions--is a standard recommendation of the companies that produce these tests, but is also based on extensive evidence documenting the limited predictiveness of these tests. This is not surprising given that these tests are not designed to measure innate ability nor mastery of a specified curriculum. Instead, standardized tests measure developed skills.

The second part of the caution with respect to standardized tests--that use of these tests with minority applicants is especially unreliable--is based on longstanding research, including work done in my own laboratory over the past 10 years, showing that experiences tied to one's racial and ethnic identity can artificially depress standardized test performance. Importantly, these effects go beyond any effects of socioeconomic disadvantage, affecting even the best prepared, most invested students from these groups who often come from middle-class backgrounds. Relying on these tests too extensively in the admissions process will preempt the admission of a significant portion of highly qualified minority students. In making this argument, I will address three issues: The nature of the mental capacity measured by these tests; how well these tests predict performance in higher education for all students; and reasons African American, Hispanic, and American Indian students are more likely to underperform on these tests.

I. What kind of capacity is measured by standardized admissions tests?

1. How are the SAT, ACT, and LSAT designed? To understand what these tests do and do not measure, it is important first to understand how they are constructed. In the first step, a group of professional item writers and content area experts generate a large pool of test items in the areas covered by the test. In this process, the test makers are guided by general guidelines about what skills and knowledge are critical to succeeding in a given area. But these guidelines are not derived from some clearly specified theory or knowledge of how to measure intelligence or scholastic aptitude in these areas. They are settled on, for the most part, by consensus among the item generators and the board of area experts who they consult.

Next, these items are given to a norming sample of people who are selected for either being a representative or a random sample of the population for whom the test is to be used. Roughly speaking, items that correlate with school grades in this norming sample are kept on the test and items that do not correlate well with grades in this sample are dropped from the test. For example, correct answers given on test items involving algebra by a student who received high grades in his or her algebra classes, would be kept because they correlated positively with school success. In this way, items are identified that, for this population, are associated with school success, or in testing parlance, are "predictive" of school success. The resulting test can then be administered in this population with the feature that one's score on it will be somewhat predictive of the grades one will achieve. Like most standardized scholastic tests, the SAT, ACT, and LSAT are all constructed in this way.

2. What do these tests measure? The overriding implication of this construction procedure is that it is difficult to answer this question with a precise, conceptual definition. As has been classically said, "scholastic aptitude is what scholastic aptitude tests measure." The content of the test is not derived from a clear conception of the aptitude under test, and the inclusion of items on the test is decided empirically--by which items correlate with school grades in the norming sample. To develop a conceptual understanding of the mental capacities measured by the test, one would have to do what test researchers do: Work backwards by trying to discern through factor analysis of the items selected what underlying capacities they measure.

Two things about the nature of these tests that bear on their use in college and law school admissions can be said with certainty. First, based on this test construction methodology it is clear that the items on these tests measure what has to be substantially learned or "developed" skills and knowledge. Many factors including heredity may underlie scholastic aptitude, but even the highest estimates of hereditary influence allow for substantial influence of experiential factors. This means that one's performance on these tests can be influenced by one's experience, by one's cultural background, by one's access to schooling and the cultural perspectives, attitudes, and know-hows that might favor test performance, by the extent to which one's peers value school achievement, by the nature of one's dinner table conversation, and so on. This point will be important to my later discussion of the role of race and ethnicity in influencing performance on these tests. In addressing those issues, it is important to emphasize that the SAT, ACT, and LSAT are not tests of innate ability that are impervious to experiential influences. Quite the opposite is true.

The second point about test content that can be made with certainty is that, in addition to not measuring mental capacity, neither are they achievement tests: they are not constructed to test how much one has learned from a specifiable curriculum. Rather, they are described by their makers as "aptitude" tests. I have just explained how difficult it is to conceptually define the "aptitude" they measure (other than to say that it is a measure of test-taking aptitude). But it is not the case that, not measuring a specifiable aptitude, they do measure achievement or how much one has learned in school. Ours is the only nation in the world that uses aptitude tests in higher education admissions rather than tests that measure achievement--how much a person has learned in earlier schooling, which are typically better predictors of success in higher education than aptitude tests.

In sum, then, as the companies that make them acknowledge, the SAT, ACT, and LSAT measure a set of scholastic skills that are neither innate nor directly influenced by school curricula. Thus the value of these tests in informing admissions decisions depends not on assessing some well-defined talent or knowledge base, but solely on their empirically determined ability to predict college or law school grades. How well, then, do they predict these grades?

II. How good are standardized admission tests at predicting success in higher education?

The SAT is popularly assumed to measure such a singularly important component of academic merit as to mandate its centrality in the admissions process. Among the most common rationales for using it to make admissions decisions, in addition to the use of school grades, is that it taps a form of scholastic aptitude that is not dependent on the quality of one's high school curriculum--thus the idea that it measures an underlying, if not innate, aptitude. In contrast to most people's expectations, however, the SAT in fact measures only about 18% (ranging from 7% to 30%) of the factors that determine a person's freshman grades. And this figure holds even when controlling for the difficulty of the courses taken. (It also holds when the statistical problem of restriction of range is controlled for.) Moreover, the SAT adds hardly any predictive power in the prediction of freshman grades over what one gets from using high school grades alone. That is, using the SAT only increases one's prediction of freshman grades by about 3% or 4% (ranging from 0% to 7%) over what one could predict using high school grades alone. And as the criterion measures get farther away in time from when the SAT is taken--as for sophomore grades, graduation rates, and professional success--the correlations with the SAT get substantially smaller.

An important implication of this fact is that even large score differences on the SAT do not translate into very large differences in the skills that underlie grade performance. This is what is implied by the small relationship between scores on the test and subsequent grades: that relatively few of the skills critical to grades are measured by the tests. And this, in turn, means that a score difference between two people, or between two groups (for example, Blacks and Whites), that is as large as say, 300 points, a difference that can sound big, actually represents a very small difference in skills critical to grade performance.

Perhaps the limitations on the usefulness of these tests can be made clearer with an analogy. Suppose that you were confined to selecting a basketball team based on how many of 10 free throws a player hits. The first thing you'd worry about is having to select basketball players based on the single criterion of free throw shooting, which you know is only a small portion of the skills that go into actual basketball playing. Even worse, you would know that you would never pick Shaquille O'Neal. Similarly, standardized tests tap only a small set of the skills that make a good student--approximately the 18% that I mentioned.

Another problem you would have selecting your basketball team would be how to interpret a player's scores. If a player hits 10 of 10 or 0 of 10 you would be fairly confident about making a judgment; the 10 of 10 guy you keep, the 0 of 10 guy you drop. But what about the player who hits 3, 4, 5, 6, or even 7? Middling scores like these could be influenced by many things other than underlying potential for free throw shooting or basketball playing, such as the amount of practice involved, access to effective coaching, whether the player was having a good or a bad day. Roughly the same is true, I suggest, for interpreting standardized test scores: Extreme scores (though less reliable) might permit some confidence in a student's likelihood of success, but middling scores are more difficult to interpret as an indication of underlying promise. Are they inflated by middle-class advantages such as prep classes, private schools, and European Cathedral tours? Or are they deflated by race-linked experiences such as social segregation and being consistently assigned to the lower tracks in school?

Although test scores can be useful and do have the ability, however limited, to inform admission decisions, the fact is that they simply do not capture any large portion of what makes up academic potential or merit. Grades depend on many things not measured by these tests, and admissions committees should use them with caution and only together with as much other information about candidates as can be obtained. This advice holds for students from any background. But there are reasons to believe that this advice is especially important in the case of minorities.

III. Are there significant factors that might cause African American, Hispanic, and American Indian students to perform less well than other groups on these tests?

The answer to this question is a resounding, "Yes." I describe here what I regard as the two most important such factors.

Stereotype threat and test performance. My research, and that of my colleagues, has isolated a factor that can depress the standardized test performance of minority students--a factor we call stereotype threat. This refers to the experience of being in a situation where one recognizes that a negative stereotype about one's group is applicable to oneself. When this happens, one knows that one could be judged or treated in terms of that stereotype, or that one could inadvertently do something that would confirm it. In situations where one cares very much about one's performance or related outcomes--as in the case of serious students taking the SAT--this threat of being negatively stereotyped can be upsetting and distracting. Our research confirms that when this threat occurs in the midst of taking a high stakes standardized test, it directly interferes with performance.

In matters of race we often assume that once a situation is objectively the same for different groups, that it is *experienced* the same by each group. This assumption might seem especially reasonable in the case of "standardized" cognitive tests. But for Black students, unlike White students, the experience of difficulty on the test makes the negative stereotype about their group relevant as an interpretation of their performance, and of them. Thus they know as they meet frustration that they are especially likely to be seen through the lens of the stereotype as having limited ability. For those Black students who care very much about performing well, this is an extra intimidation not experienced by groups not stereotyped in this way. And it is a serious intimidation, implying, as it does, that they may not belong in walks of life where the tested abilities are important, walks of life in which they are heavily invested. Like many pressures, it may not be fully conscious, but it may be enough to impair their best thinking.

To test this idea, Joshua Aronson and I asked Black and White Stanford students into our laboratory and, one at a time, gave them a very difficult 30-minute verbal test, the items of which came from the advanced Graduate Record Examination in literature. The bulk of these students were sophomores, which meant that the test would be difficult for them--precisely the feature that we reasoned would make this simple testing situation different for our Black participants than for our White participants. We told each student that we were testing ability.

Black students performed dramatically worse than White students on the test. As we had statistically equated both groups on ability level, the differences in performance were not because the Black students had weaker skills than the White students. Something else was involved. Before we could confirm that that "something else" was stereotype threat, we had to control for the possibility that the Black students performed worse than the White students because they were less motivated or because their skills could be somehow less easily extrapolated to the advanced material of this test. We concluded that if stereotype threat and not something about these students themselves had caused their poorer test performance, then doing something that would reduce this threat during the test should allow their performance to *improve, to go up to the level of equally* capable White students. We devised a simple way to test this: We presented another group of Black and White sophomores, again statistically equated on ability level, the same test we had used before--not as a test of ability, but as a "problem-solving" task that had nothing to do with ability. This made the stereotype about Blacks' ability irrelevant to their performance on the task since, ostensibly, the task did not measure ability. A simple instruction, yes, but it profoundly changed the meaning of the situation. It told Black participants that the racial stereotype about their ability was irrelevant to their performance on this particular task. In the stroke of an instruction, the "stereotype spotlight," as psychologist Bill Cross once called it, was turned off.

As a result, Black students' performance on this test matched the performance of equally qualified Whites. With the stereotype spotlight on, Blacks performed dramatically worse than Whites; with it off, they performed the same. Thus, stereotype threat of the sort that we argue characterizes the daily experiences of Black students on predominantly White campuses and in a predominantly White society, can directly affect important intellectual performances such as standardized test performance.

But it has broader effects too. Stereotype threat follows its targets onto campus, affecting behaviors of theirs that are as varied as participating in class, seeking help from faculty, contact with students in other groups, and so on. And as it becomes a chronic feature of one's school environment, it can cause what we have called "disidentification": the realignment of one's self-concept and values so that one's self-regard no longer depends on how well one does in that environment. Disidentification relieves the pain of stereotype threat by breaking identification with the part of life where the pain occurs, which necessarily includes a loss of motivation to succeed in that part of life. When school is the part of life where stereotype threat is felt--as for women in advanced math or African Americans in all areas--disidentification can be a costly and life-altering adaptation.

In subsequent years, our research has revealed several important parameters of the effect of stereotype threat on standardized test performance. First, it can interfere with the test performance of any group whose abilities are negatively stereotyped in the larger society: Women taking difficult math tests; lower-class French students taking a difficult language exam; older people taking a difficult memory test; White male athletes being given a test of natural athletic ability; White males taking a difficult math test on which they are told "Asians do better"; as well as Hispanic students at the University of Texas being given a difficult English test. This research shows stereotype threat to be a very general effect, one that is undoubtedly capable of undermining the standardized test performance of any group negatively stereotyped in the area of achievement tested by the test.

We have also discovered that the detrimental effect of stereotype threat on test performance is greatest for those students who are the most invested in doing well on the test. As an intimidation, one might expect that it would affect the weakest students most. But this is not what happens. Across our research, stereotype threat most impaired students who were the most identified with achievement, those who were also the most skilled, motivated, and confident--the academic vanguard of the group more than the academic rearguard.

This fact had been beneath our noses all along in our data and even in our theory. A person has to care about a domain in order to be disturbed by the prospect of being stereotyped in it. So all of our earlier experiments had selected participants who were identified with the domain of the test involved--Black students identified with verbal skills and women identified with math. But we had not tested participants who were less identified with these domains. When we did, what had been beneath our noses hit us in the face. None of these disidentified students showed any effect of stereotype threat whatsoever. Nothing.

Now make no mistake, these disidentified students did not perform well on the tests. Like anyone who does not care, they would start the test, discover its difficulty, stop trying very hard and get a lower score. But their performance did not differ depending on whether they were at risk of being judged stereotypically--their performance was the same regardless of whether they had been told it was their ability we were testing.

This finding tells us two important things. The first is that the poorer standardized test performance of Black students may have two sources. One is more commonly understood: It is the poorer performance of some among this group who are not well prepared and perhaps not well identified with school achievement. The other, however, has not been well understood: The underperformance among strong, school-identified members of this group whose lower performance reflects the stereotype threat they are under.

But these findings make a point of some poignance as well: The characteristics that expose this vanguard to the pressure of stereotype threat is not weaker academic identity and skills, but stronger academic identity and skills. They have long seen themselves as good students, better than most other people. But led into the domain by their strengths, they pay an extra tax on their investment there, a "pioneer tax," if you will, of worry and vigilance that their futures will be compromised by the ways society perceives and treats their group. And it is paid everyday, in every stereotype-relevant situation. Recent research from our laboratory shows that this tax has a physiological cost. Black students performing a cognitive task under stereotype threat had elevated blood pressure.

This finding raises another point: Being a minority student from the middle-class is no escape from stereotype threat and its effect on standardized test performance or performance in higher education more generally. In the American mind we have come to view the disadvantages associated with being Black, for example, as disadvantages of social and economic resources and opportunity. This assumption is often taken to imply its obverse: That is, if you are Black and come from a home that has achieved middle-class status, your experiences and perspectives are no longer significantly affected by race. Our research shows quite clearly that this is not so. In fact, if being middle-class gave you the resources that helped you identify with school achievement, ironically, it may lead you to experience stereotype threat even more keenly. It is investment in the domain of schooling--often aided by the best resources and wishes of middle-class parents--that can make one, at the point of reaching the difficult items on the SAT, experience the distracting alarm of stereotype threat.

All of these findings then, taken together, constitute a powerful reason for treating standardized tests as having limited utility as a measure of academic potential of students from these groups. But there are other reasons as well.

Different experiences. The point here is that factors like race, social class, and ethnicity still shape the life trajectories and experiences of individuals in society and as a result, can have profound effects on test performance. For example, consider what being African American, even from the middle-class, can predispose a person to experience: Assignment to lower academic tracks throughout schooling; being taught and counseled with lower expectations by less skilled teachers in more poorly funded schools; attending school in more distressed neighborhoods or in suburban areas where they are often a small, socially isolated minority; living in families with fewer resources; and having peers who--alienated by these conditions--may be more often disinterested in school. Clearly these race-linked experiences are enough to lead students from this group to have lower scores on the SAT at the point of applying to college without any reference to innate ability. A similar scenario could be described for many Hispanic groups in this society and for

American Indians (especially those living on reservations).

If one thinks of all the relationships, experiences, and motivations that underlie good test performance as a river or confluence of influences, it is clear that some groups will have more access to this river than others. Accordingly, those with less access, by dint of the weaker academic and test performance skills this causes, will have lower test scores and thus more limited access to higher education. Of course, to the extent that the skills they lack are critical to success in school, this limitation of access is appropriate under the ideal of sending the most qualified students on to higher education. But it is important to stress, even here, that for these students, their lower test scores may reflect their limited access to the critical confluence of experiences as much as any real limitation in potential for higher education.

Again the free-throw analogy might be helpful. The part of this analogy most relevant to the present point is how to interpret the performance of people who, for sociocultural reasons, have had little exposure to free-throw shooting. They are not likely to hit many shots. But the problem is how to interpret their poor performance vis a vis their potential to play basketball, Their poor free-throw shooting could reflect problems that would make them very poor basketball players, or it could reflect a lack of experience that could be easily overcome, or even an orientation that while hurting free-throw shooting might help basketball playing. It would be difficult to know. And this is the fundamental ambiguity surrounding the interpretation of low SAT scores among students from backgrounds without significant access to the culture represented on the test. Their lower scores are more difficult to interpret.

Conclusion.

In recent years the media has made a great deal of the fact that minority students on a college campus often have lower average SAT scores than Whites and Asians on the same campus. The clear implication, presumably taken up by the public, is that SAT gaps of this size reflect that the minorities being admitted are "less qualified" than the White and Asian students. My testimony, I hope, has put these gaps in a different light: Gaps of this size actually represent only a tiny difference in the real skills needed to get good college or law school grades and they reflect the influence of a complex of factors tied to race in our society that, for reasons unrelated to real academic potential, depress minority student test scores. Furthermore, this gap is almost never caused by there being a lower admissions threshold for Blacks than for Whites or Asians. It reflects the fact that there is a smaller proportion of Black than Whites and Asians with very high SAT scores. Thus, when you average each group's scores, the Black average will be lower than the White and Asian averages. Why there is a smaller proportion of Blacks with very high scores is, of course, a complex question with multiple answers involving, among other things, the effects of race on educational access and experience, as well as the processes dwelt on in this document. The point, though, is that Black test score deficits are taken as a sign of their being underprepared when, in fact, virtually all Black students on a given campus have tested skills completely "above threshold" within the range of the tested skills for other students on the campus, and in this sense, have skills up to the competition.

Having made these arguments, I hope to have provided a better understanding of minority students' underperformance on standardized tests and of what that underperformance means with regard to their ability to succeed in higher education. It is simply the case that we have no single, or even small, set of indicators that satisfactorily captures "merit" or "potential" for academic success and a contributing life.

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206

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Table of Contents

EXPERT REPORT OF DEREK BOK

Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

I. Statement of Qualifications:

I am currently the 300th Anniversary University Professor at the John F. Kennedy School of Government at Harvard University. I served as President of Harvard University from 1971 until 1991, and as Dean of the Harvard Law School from 1968 to 1971. Before that, I was a member of the Harvard Law School faculty for 10 years. I have written extensively about issues of higher education and the consideration of race in admissions, as well as about issues relating to the American legal system. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.

II. Information Considered in Forming Opinions:

My opinions are based, in large part, on The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions, William G. Bowen and Derek Bok, Princeton University Press (1998). A copy of the book will be provided upon request. I have also relied upon Linda Wightman's study, The Threat To Diversity In Legal Education: An Empirical Analysis of the Consequences of Abandoning Race As A Factor In Law School Admissions Decisions, 72 N.Y.U. L. Rev. 1 (1997), a copy of which will also be provided upon request. I have also relied on the other published materials cited herein.

III. Other expert testimony; compensation:

I have not testified as an expert, by deposition or at trial, within the preceding four years. I am not receiving any compensation for my work in connection with this matter.

IV. Opinions to be expressed and the basis and reasons therefor:

In addressing a constitutional challenge to the admissions program at the Medical School at the University of California at Davis, the Supreme Court examined a university's interest in achieving diversity among its *undergraduate* student body -- a goal that Justice Powell described as "of paramount importance in the fulfillment of its mission." Bakke v. Regents of the University of California, 438 U.S. 265, 313 (1978). I agree, based on my own experience with both graduate and undergraduate education, that the value and importance of diversity in undergraduate education is closely related to its value and importance in many graduate and professional courses of study.

My experience in legal education leads me to conclude that a university's interest in achieving diversity among its student body attaches to legal education, in ways that are largely similar to, although in some ways different from, the interest in achieving diversity in an undergraduate student body. Thus, while many of the opinions expressed herein were formed in the context of my study of undergraduate education, my own experience in legal education -- as a professor of law and as Dean of the Harvard Law School -- confirms Justice Powell's belief that "even at the graduate level, our tradition and experience lend support to the view that the contribution of diversity is substantial." Id. at 314. Part A of this report accordingly focuses on the importance to higher education of achieving a diverse student body. Part B describes an empirical analysis of the consequences of abandoning race as a factor in law school admissions. Part C addresses the particular importance of diversity in the context of legal education, as the exclusive gateway to the American legal profession.

A. The Shape of the River.

Higher education plays a unique role in our society. The university's obligation runs

208

to the students whom it is to educate, and to the society at large that it is to serve. There is no escaping a university's obligation to try to serve the long-term interests of society defined in the broadest and least parochial terms, and to do so through two principal activities: advancing knowledge and educating students who will in turn serve others, within this nation and beyond it, both through their specific vocations and as citizens. Universities, and in particular their law schools, are responsible for imparting civic and democratic values that are essential to the functioning of our nation.

Our society -- indeed, our world -- is and will be multi-racial. We simply must learn to work more effectively and more sensitively with individuals of other races, and a diverse student body can contribute directly to the achievement of this end. In the 1960s, barely one percent of law students and two percent of medical students in America were black. At that time, few leading professional schools and nationally prominent colleges and universities enrolled more than a handful of blacks. Late in the decade, however, selective institutions set about to change these statistics, not by establishing quotas, but by considering race, along with many other factors, in assembling a diverse student body of varying talents, backgrounds, and perspectives. Schools sought to achieve diversity to cross the racial borders that separated large segments of society and to reap the educational benefits to all students of learning on a diverse campus, in which they would transcend the misperceptions and stereotypes that had been born of racial separation. These selective institutions recognized that a student body containing many different backgrounds, talents, and experiences would be a richer environment in which all students could better develop into productive, contributing members of our society.

Amid much passionate debate, there has been little hard evidence of how these policies work and what their consequences have been. To remedy this deficiency, William Bowen and I examined the college experiences of more than 60,000 students -- approximately 3,500 of whom were black -- who had entered 28 selective colleges and universities in the fall of 1976 and the fall of 1989.(1) We also surveyed a sub-set of these students (with a survey response rate of about 80%) and thus studied the later life experiences and views of 30,000 students. This massive database, built jointly by the schools and the Andrew W. Mellon Foundation, for the first time links information such as Scholastic Assessment Test ("SAT") scores and college majors to experiences after college, including graduate and professional degrees, earnings, and civic involvement. Most of our study focused on African-Americans and whites, because the Latino and Native American populations at these schools were too small in 1976 to permit the same sort of statistical analysis. Nevertheless, many of the findings may be applicable to these groups as well. Our conclusions are set forth in The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions, William G. Bowen and Derek Bok, Princeton University Press (1998). This report attempts to summarize some of our findings. My testimony in this case will draw upon the book, as well as my 40 years of experience in academia, including my tenure as President of Harvard University and Dean of the Harvard Law School.

As a necessary predicate, it is important to recognize that a university should have the freedom to decide which students it will admit and which criteria it will use in its admissions decisions. This academic freedom is crucial in order for a school to fulfill its mission. At bottom, admissions officers must decide which set of applicants, *considered individually and collectively*, will take fullest advantage of what the college has to offer, contribute most to the educational process in college, and be most successful in using what they have learned for the benefit of the larger society.

Any college or university to which admissions is highly competitive, such as the University of Michigan Law School, has far more applicants who possess all the basic qualifications than it has places. Some candidates (a relatively small number) are so outstanding in every respect that they are obvious choices for admission by any standard. The real problems of choice arise in deciding which individuals to admit from among the large group who also have very strong qualifications, who are thought capable of doing the work and doing it well, but who are not so clearly outstanding as to be placed in the very top category.

In my experience, in deciding among this group, a school does not start from the premise that any applicant has a "right" to a place in a college or university. Instead, the starting premise is that a school has an obligation to make the best possible use of the limited number of places in each entering class so as to advance as effectively as possible the broad purposes the school seeks to serve. Within the very real limits imposed by the fallibility of any selection process of this kind, a school should try hard to be fair to every applicant; but the concept of fairness itself has to be understood within the context of the obligations of a university. Accordingly, in making these difficult choices among well-qualified candidates, considerations other than just test scores and grades come into play.

The relevance of these other considerations is based on the premise that the overall quality of the educational program is affected not only by the qualities of the individual students who are enrolled, but also by the characteristics of the entire group of students who share a common educational experience. This is certainly the case in the context of undergraduate education, which was the primary focus of our study. It is also likely to be true of most graduate programs -- especially in the context of legal education, in which the Socratic method, class discussion, informal study groups, and extracurricular clubs and activities tend to figure prominently.

A great deal of learning occurs informally. It occurs through interactions among students of both sexes; of different races, religions, and backgrounds; who come from cities and rural areas, from various states and countries; who have a wide variety of interests, talents, and perspectives; and who are able, directly or indirectly, to learn from their differences and to stimulate one another to reexamine even their most deeply held assumptions about themselves and their world. As a wise graduate of Princeton University observed in commenting on this aspect of the educational process, "People do not learn very much when they are surrounded only by the likes of themselves."

It follows that if, say, 2,000 individuals are to be offered places in an entering class, the task of an admissions office is not simply to decide which applicants offer the strongest credentials as separate candidates for the college; the task, rather, is to assemble a total class of students, all of whom will possess the basic qualifications, but who will also represent, in their totality, an interesting and diverse amalgam of individuals who will contribute through their diversity to the quality and vitality of the overall educational environment.

This concern for the composition of the student body, as well as for the qualifications of its individual members, takes many forms. While a college is of course interested in enrolling students who are good at a great many things and not one-dimensional in any sense, it should also try to enroll students with special interests and talents; it should seek a wide geographical representation; it should admit foreign students from a variety of countries and cultures; it should recognize the special contribution that the sons and daughters of alumni can make by representing and communicating a sense of the traditions and the historical continuity of the university; it should enroll students from a range of socioeconomic backgrounds; and it should work consciously and deliberately to include minority students, who themselves represent a variety of experiences and viewpoints. The precise contours of the institution's concern for the composition of the student body will of course vary. A liberal arts college, that views its mission as providing a well-rounded education for all of its students, may place greater emphasis on talents in the arts and athletics than may, for example, a graduate program in philosophy. In addition, the particular diversity characteristics that institutions choose to value will reflect the professional judgment, as well the academic values, of that institution.

We must accept as a fact of life in contemporary America that the perspectives of individuals are often affected by their race as by other aspects of their background. If a university were unable to take into account the race of candidates, it would be much more difficult to consider carefully and conscientiously the composition of an entering class that would offer a rich educational experience to all of its members. The unplanned, casual encounters with roommates, fellow sufferers in class, student workers in the library, teammates on a basketball squad, or other participants in class affairs or student government can be subtle and yet powerful sources of improved understanding and personal growth.

Indeed, the data in our study prove what I have observed for years through experience -- that diversity is valued and that "learning through diversity" actually occurs. Our study indicates that diversity is a benefit for all students, minorities and nonminorities alike. Moreover, the data overwhelmingly demonstrate that minority students admitted to selective schools had strong academic credentials, graduated in large numbers and did very well after leaving college. By every measure of success graduation, attainment of professional degrees, employment, earnings, civic participation, and overall satisfaction), the more selective the school, the more blacks achieved (holding constant their initial test scores and grades).

It is true that compared with their extremely high-achieving white classmates, black students in general received somewhat lower college grades and graduated at moderately lower rates. The reasons for these disparities are not fully understood, and selective institutions need to be more creative in helping improve black performance, as a few universities already have succeeded in doing. Still, 75 percent graduated within six years from the school they first entered, a figure well above the 40 percent of blacks and 59 percent of whites who graduated nationwide from the 305 Division I universities tracked by the National Collegiate Athletic Association. Moreover, blacks did not earn degrees from these selective schools by majoring in easy subjects. They chose substantially the same concentrations as whites and were just as likely to have difficult majors, such as those in the sciences and engineering. These and other findings refute the argument that when black students are admitted to schools where many other students have stronger academic qualifications than their own -- as measured by grades and test scores -- that those students not only will drop out, but that they would have been better off attending a less selective institution.

Although over half of the black students attending these selective schools would have been rejected under a race-neutral admissions regime -- that is, if only the same proportions of black and white students had been admitted within each SAT interval -- they have done exceedingly well after college. Fifty-six percent of the black graduates who had entered these selective schools in 1976 went on to earn advanced degrees. A remarkable 40 percent received either PhDs or professional degrees in the most sought-after fields of law, business and medicine, a figure slightly higher than that for their white classmates and five times higher than that for blacks with bachelor's degrees nationwide. (As a measure of change, it is worth noting that by 1995, 7.5 percent of all law students in the United States were black, up from barely 1 percent in 1960; and 8.1 percent of medical school students were black, compared with 2.2 percent in the mid-1960s. Black elected officials now number more than 8,600.)

By the time of our survey, black male graduates who had entered selective schools in 1976 were earning an average of $85,000 a year, 82 percent more than other black male college graduates nationwide. Their black female classmates earned 73 percent more than all black women with bachelor's degrees. Not only has the marketplace valued the work of these graduates highly, but the premium associated with attending one of these selective institutions was substantial. Overall, we found that among blacks with similar test scores, the more selective the college they attended, the more likely they were to graduate, earn advanced degrees and receive high salaries. This was generally true for whites as well.

Despite their high salaries, the blacks in our study were not just concerned with their own advancement. In virtually every type of civic activity, from social service organizations to parent associations, black men were more likely than their white classmates to hold leadership positions. Much the same pattern holds for women. These findings should reassure black intellectuals who have worried that blacks -- especially black men -- would ignore their social responsibilities once they achieved financial success.

Were black students demoralized by having to compete with whites with higher high school grades and test scores? Is it true, as Dinesh D'Souza asserts in his book "Illiberal Education," that "American universities are quite willing to sacrifice the future happiness of many young blacks and Hispanics to achieve diversity, proportional representation, and what they consider to be multicultural progress"? The facts are very clear on this point. Far from being demoralized, blacks from the most competitive schools are the most satisfied with their college experience. More than 90 percent of both blacks and whites in our survey said they were satisfied or very satisfied with their college experience, and blacks were even more inclined than whites to credit their undergraduate experience with helping them learn crucial skills. We found no evidence that significant numbers of blacks felt stigmatized by race-sensitive policies. Only seven percent of black graduates said they would not attend the same selective college if they had to choose again.

Former students of all races reported feeling that learning to live and work effectively with members of other races is important. Large majorities also believed that their college experience contributed a lot in this respect. Consequently, almost 80 percent of the white graduates favored either retaining the current emphasis on enrolling a diverse class or emphasizing it more. Their minority classmates supported these policies even more strongly.

Some critics allege that race-sensitive admissions policies aggravate racial tensions by creating resentment among white and Asian students rejected by colleges they hoped to attend. Although we could not test this possibility definitively, we did examine the feelings of white students in our sample who had been rejected by their first-choice school. They said they supported an emphasis on diversity just as strongly as students who got into their first-choice schools.

Our findings also clarify the much misunderstood concept of merit in college admission. Many people suppose that all students with especially high grades and test scores "deserve" to be admitted and that it is unfair to reject them in favor of minority applicants with lower grades and test scores. But selective colleges do not automatically offer admission as a reward for past performance to anyone. Nor should they. For any institution, choosing fairly, "on the merits," means selecting applicants by criteria that are reasonably related to the purposes of the organization. For colleges and universities, this means choosing academically qualified applicants who not only give promise of doing well academically, but who also can enlarge the understanding of other students and contribute after graduation to their professions and communities. Though clearly relevant, grades and test scores are by no means all that matter.

Accordingly, an admissions policy that relied primarily on test scores would lead to the rejection of qualified minority students. The fact that, nationally, blacks are very underrepresented at the higher levels and very overrepresented at the lower levels ensures that they will have substantially lower average SAT scores even if a college were to use precisely the same SAT cut-off in admitting white and black students. For example, if a school admitted every applicant with SAT scores over 1100 and none with lower scores, the white students would still have a higher average SAT score than the black students because relatively more of them score at the upper end of the SAT distribution. This result occurs even though *no* racial preference was given in this hypothetical situation.

As a group, however, the black applicants are highly qualified. Of the black applicants at five of the 28 schools for which detailed admission data were available in 1989, over 90 percent scored above the national average for black test-takers on both the verbal and math SATs, considered separately. The large majority of these black applicants handily outscored not only the average black test-taker, but also the average white test-taker. Moreover, the average SAT score for black matriculants in 1989 was slightly higher than the average SAT score for *all* matriculants in 1951.

Talk of basing admissions mainly on test scores and grades assumes a model of admissions radically different from the one that exists today. Such a policy would mandate a fundamental change of direction for institutions that recognize the many dimensions of "qualification": the importance of a good fit between the student and the educational program, the varied paths that individuals follow in developing their abilities, and the pitfalls of basing assessments of talent and potential solely on narrowly defined quantitative measures. Instead, as I described earlier, admissions officers have been "picking and choosing," as we believe they should always do -- admitting the candidate who seems to offer something special by way of drive and determination, the individual with a set of skills that matches well the academic requirements of the institution, someone who will bring another dimension of diversity to the student body, or a candidate who helps the institution fulfill a particular aspect of its mission.

Because other factors are important -- including hard-to-quantify attributes such as determination, motivation, creativity and character -- many talented students, white and black, are rejected even though they finished in the top 5 percent of their high school class. The applicants selected are students who were also above a high academic threshold but who seemed to have a greater chance of enhancing the education of their classmates and making a substantial contribution to their professions and society. Seen from the perspective of how well they served the missions of these educational institutions, the students admitted were surely "meritorious."

Race remains a significant factor in our society. Race almost always affects an individual's life experiences and perspectives, and thus a person's capacity to contribute to the kinds of learning through diversity that occur on campuses. Both the growing diversity of American society and the increasing interaction with other cultures worldwide make it evident that going to school with "the likes of oneself" will be increasingly anachronistic. The advantages of being able to understand how others think and function, to cope across racial divides, and to lead groups composed of diverse individuals are certain to increase. Moreover, our survey data throw new light on the extent of interaction occurring on campuses today and of how positively the great majority of students regard opportunities to learn from those with different points of view, backgrounds, and experiences.

In sum, the data indicate that there is a statistically significant association between attendance at the most selective institutions and a variety of accomplishments during college and in later life. If, at the end of the day, the question is whether the most selective colleges and universities have succeeded in both enhancing the learning experience for all students and ducating sizable numbers of minority students who have already achieved considerable success and seem likely in time to occupy positions of leadership throughout society, I have no problem in answering the question -- absolutely.

B. Consequences of Abandoning Race as a Factor In Law School Admissions.

Without the conscious consideration of race as a factor in admissions, America's most selective law schools would be unable to enroll more than a trivial number of students from underrepresented minority groups. Linda F. Wightman conducted an extensive empirical study of the consequences of abandoning race-sensitive admissions policies in law school admissions, the results of which are published at 72 N.Y.U. L. Rev. 1 (1997). I am familiar with this work, and relied, in part, on Wightman's conclusions in The Shape of the River. Wightman examined data obtained for 90,335 students who applied to law schools in

1990-1, each of whom completed the Law School Data Assembly Service; and from fall 1991 first-year law students. Of the total of 90,335 students applying in that year, 57 percent received at least one offer of admission. This total included 42,287 whites, 3,435 blacks (6.8 percent), and 2,326 Hispanics (4.6 percent). She found that:=20

- A law school admissions policy that relied exclusively on undergraduate grades and LSAT scores would lead to a dramatic decrease in the number of minority applicants admitted to law school. For example, by employing a logistic regression model, Wightman found that of the 3,435 black applicants to law school in her study, only 711 (1.6 percent of the total students accepted) would have been admitted under a system that considered only grades and test scores. This is approximately the same number of black students who attended American law schools in 1965.

- The model set out above described the results that would obtain assuming that the pattern of schools to which students would apply would not change under a regime that did not permit the consideration of race as a factor in admissions. Wightman also employed a more conservative methodology, calculating the number of minority students who would have been admitted to law school under the assumption that all minority applicants who could be admitted by any law school would enroll in the most selective institution to which they were admitted. She described this as the "law school grid model." Under this set of assumptions, 3.4 percent of the entering law students in 1991 would have been black. There is good reason to question whether minority students would, in fact, apply to and enroll in the less selective schools to which this model predicts they would have been admitted.

- The "law school grid" model classified the ABA-approved law schools into six "clusters," ranked by selectivity. If the model were to hold, black enrollment in "Cluster 1," the most selective group of law schools (including the University of Michigan Law School), would fall to 0.4 percent.

- Among the 711 black applicants whom Wightman's "law school grid" model predicts would have enrolled in ABA-approved schools, approximately 40 percent of those students would be admitted only to the least selective, "Cluster 6," law schools.

- Wightman also examined whether it would be possible to obtain meaningful diversity if law schools were to rely on other factors, such as socioeconomic status, the selectivity of the degree-granting undergraduate institution, and undergraduate major. Her study indicated that none of these factors provide viable alternative means to achieve racial diversity without the conscious consideration of race.

C. The Special Importance of Diversity in the Context of Legal Education.

American law schools provide the only means of access to the American legal profession. Accordingly, the importance of obtaining diversity among law school student populations cannot responsibly be examined without considering what would happen to the legal profession if law schools were unable to enroll and graduate diverse classes of students, as well as what the legal profession itself is telling the academy about the importance and value of diversity to the profession.

Justice Powell noted in Bakke, 438 U.S. at 312, that "the nation's future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples." This is certainly true of the nation's lawyers. This is not to say that minority lawyers are simply needed to serve minority populations. Rather, the future of the legal profession depends upon lawyers who are trained in racially diverse settings, who are comfortable working and interacting with clients with backgrounds, perspectives, and life experiences that are different from their own.

The law occupies a singular role in modern American society. Joseph Califano, in a recent speech, described the importance of the legal profession to American society:

> [I]n a turbulent democracy, lawyers are key to nourishing freedom and protecting it when it is threatened. Lawyers bear responsibility to craft ways for individuals to perceive and receive justice in a society that threatens to swallow citizens in ever larger and more impersonal government, corporate and union bureaucracies. Lawyers are key to prosecuting criminals and protecting law abiding citizens.
>
> Without lawyers, equal protection is a phrase carved on a federal building. Without lawyers, legal segregation would still be a way of life in the nation's capital.
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> * * *
>
> Lawyers should be the most reliable life preservers for a people tossed in a sea of powerful government and private institutions, slammed by tidal waves of scientific discovery and technological revolution. That's why it's worth a herculean effort to rebuild the credibility, respect and integrity of the profession.

Quoted in Harry T. Edwards, A New Vision For The Legal Profession, 72 N.Y.U. L. Rev. 567, 576-77 (1997).

In addition the social importance of the law as an institution, those in legal education have long recognized that many law students will not spend their careers engaged in the active practice of law, but will otherwise go on to play important roles in public life, in the corporate world, and as opinion leaders. This has always been true in the United States. Of the 52 signers of the Declaration of Independence, 25 were lawyers. Geraldine R. Segal, Blacks in the Law: Philadelphia and the Nation xiv (Univ. Penn. 1983) ("Segal"). So too have been 26 of the nation's 42 presidents. Id. It is therefore not surprising that, in 1950, G.W. Johnston observed that "today's lawyers have a social responsibility to assume a position of leadership in the affairs of mankind," and argued that legal training must provide knowledge of "political, economic, social and human values." G.W. Johnston, Sociological and Non-Legal Courses, 23 Rocky Mt. L. Rev. 71-74 (1950).

At the time that Johnston wrote, of course, if law students were to learn "human values" in American law schools, they would by and large have been required to do so without the presence of minority students. It was not until the mid-1960s that American law schools classes contained more than a handful of minority students.

The first known black applicant to an American law school, John Mercer Langston (in 1850), was told that his application would be denied unless he agreed to "pass" as a Frenchman or a Spaniard. J. Clay Smith, Emanicpation: The Making of the Black Lawyer, 1844-1944 34 (Univ. Penn. 1993) ("Smith"). Langston was also told that if he were to enroll, he would need to sit apart from the class; ask no questions; and behave "quietly." Id. He declined the offer.

Harvard Law School admitted George Lewis Ruffin, the first black law student known to attend an American Law School, in 1868. Id. at 36; American Bar Association Report of the Task Force on Minorities in the Profession ("ABA Report") at 52. A number of years before Ruffin enrolled at Harvard, on the eve of the Civil War, Cornelius Conway Felton, the president of Harvard University, explained that bringing together a diverse group of students (though along a different axis of diversity) would well serve the national interest: enrolling students "from different and distant States must tend powerfully to remove prejudices, by bringing them into friendly relations . . . .[s]uch influences are especially needed in the present disastrous condition of public affairs." Harvard University, The President's Report, 1993-1995 at 3. So although Ruffin, "faced hostility from students who sought to exclude him from the student assembly," the "geographical diversity of the student body at Harvard prevailed over those who considered blacks inferior." Smith at 36.

"It was at the University of South Carolina and the University of Michigan that blacks were first admitted and graduated from publicly supported law schools." Id. at 35. The number of minorities in American law schools, aside from a few black law schools, remained quite low for almost a century -- through the early 1960s. In 1965, only about 700 of the nation's 65,000 law students, or about 1 percent, were black. Segal at 2.

As a natural result, the legal profession was largely closed to minorities until that time. Blacks were generally excluded from the ABA until 1943. Smith at 41. In 1951, the Association of American Law Schools adopted an "objective" of "equality of opportunity in legal education." AALS 1951 Proceedings (1952). But despite this "objective," in 1964 the AALS Committee on Racial Discrimination reported that "few Negroes make application, and of those who do apply only a handful are accepted." AALS 1964 Proceedings (1964). In 1959, G. Franklin Edwards commented that the "law has not been regarded as a desirable profession among members of the Negro group," and that it was seen as a "starvation profession." G. Franklin Edwards, The Negro Professional Class 135 (Free Press 1959). "Parents deliberately discouraged their children from entering the legal profession. They were skeptical of the black lawyers's ability to obtain justice in the courts; they realized that a large proportion of the black community chose white lawyers to represent them; and they knew that black lawyers frequently had to associate themselves with white lawyers and split fees if they wanted clients." Segal at 4.

The absence of meaningful minority participation in American law schools and in the legal profession was, by the mid-1960s, a matter of particular concern, as American law schools recognized from the advent of the "legal realist" school in the 1930s that "legal theory does not exist of and by itself in a vacuum," and that "rights and obligations are inseparable . . . from the people, properties and business which they affect." Arch M. Cantrall, Law Schools and the Layman: Is Legal Education Doing Its Job?, 38 A.B.A. J. 907 (1952). While American legal education has always encouraged what Justice Powell referred to as an "atmosphere of speculation, experiment and creation," Bakke, 438 U.S. at 312, until the mid 1960s the range of experience that could be drawn upon was far more limited than it is today.

The most persistent criticism of American legal education has been that it is too theoretical and abstract, divorced from the real problems of real people. Jerome Frank complained in 1950 that legal training paid insufficient attention to the "actual varied experiences" of practicing lawyers. Jerome Frank, Courts on Trial (1950). Despite the increased diversity in American law schools, a similar criticism is often heard today. Judge Harry Edwards of the D.C. Circuit, most notably, has recently attacked what he perceives as the disjunction between the doctrinal and theoretical focus of most American law schools, and the real world, nitty-gritty problems of clients seeking legal services. Harry T. Edwards, The Growing Disjunction Between Legal Education and the Legal Profession, 91 Mich. L. Rev. 34 (1992); Symposium, Legal Education, 91 Mich. L. Rev. 1921.

There is some merit to these criticisms. At the same time, there is an important difference between the law schools of today and those of the 1950s -- the meaningful participation of a diverse group of students with varied life experiences. In today's law school, students' experiences with diversity -- in the classroom, in the study group, in the moot court competition and in various clinical programs -- clearly helps to provide the necessary training in the "real world" counseling and problem-solving skills that legal education might otherwise fail to provide. Indeed, some of these skills could not be learned in the absence of diverse educational settings.

The Supreme Court made this very point almost 50 years ago: "The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and exchange of views with which the law is concerned." Sweatt v. Painter, 339 U.S. 629, 634 (1950).

It is important to recognize that law schools have not arrogated to themselves the authority to determine that diversity is good for the legal profession. Those in legal education have come to recognize the classroom benefits of a diverse student body. That academic interest in diversity has coincided with the demand of the legal profession itself that law schools send out into the profession diverse classes of young lawyers. In February 1984, the American Bar Association (ABA) created a Task Force on Minorities in the Legal Profession. That task force, after noting that "the legal profession has remained a largely segregated institution," observed that "[n]o segment of society is so strategically positioned to attack minority problems as the legal profession," and that the profession therefore "has a duty to do so." That duty, the report declares, "arises out of the unique offices that lawyers hold as ministers of the law and guardians of its conscience, and as teachers and advocates of fairness and equality." ABA Report at 6. Both the ABA and the AALS now require, as part of the law school accreditation process, that schools pursue diversity among their student bodies. ABA Standard 211 requires law schools to demonstrate "a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups, notably racial and ethnic minorities, which have been victims of discrimination in various forms." And AALS Bylaw Section 6-4 requires member schools to "seek to have a . . . student body [that is] diverse with respect to race, color, and sex."

The increased diversity in American law schools since the mid-1960s has had a profound effect on the profession. Census data indicates that there were 431 black lawyers in the United States in 1890. By 1940, the number stood at just over 1,200 -- 64 of whom practiced in the state of Michigan. Smith at 631-32. Since law schools began to implement race-conscious admissions policies in the mid-1960s, the number of minority lawyers has risen dramatically. Even so, by 1990 only 8 percent of the nation's lawyers, and 12 percent of the nation's law students, were members of minority groups (African Americans, Asian Americans, Hispanics and Native Americans), at a time when members of these minority groups made up nearly twenty-five percent of the nation's population. Deborah L. Rhode, Professional Responsibility 53-54 (1994).

Bar leaders and others in the legal profession report that the increased participation of minorities has brought with it greater public confidence in the fairness and integrity of the legal profession. When the Supreme Court wrote, in 1896, that "we think the enforced separation of the races, as applied to the internal commerce of the state, neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the fourteenth amendment," Plessy v. Ferguson, 163 U.S. 537, 548 (1896), there were but a handful of minority lawyers in the nation. In that same period of time, the "nondiscriminatory policy of the University of Michigan Law School is apparently one of the reasons for the early entry of black lawyers into the profession in Michigan." Smith at 455. "As black lawyers began to graduate from the University of Michigan Law School, other lawyers appear to have migrated to the state," id. at 456, including David Augustus Straker, an 1872 graduate of Howard University Law School, who in 1890 won the first case ever argued by a black lawyer before the Michigan Supreme Court. Id. That case, Ferguson v. Gles, 46 N.W. 718 (Mich. 1890), decided six years before the Supreme Court decision in Plessy, secured public accommodations for blacks in Michigan. Segal at 149. Samuel E. McCargo, Emancipation in Michigan, 1985 Mich. Bar Journal 518 (1985).

The bar has made clear that it views the participation of minority attorneys as essential to public confidence in the machinery of justice. In 1989, for example, the

Michigan Supreme Court Task Force on Racial/Ethnic Issues in the Courts concluded that the "presence of minorities in the [legal] profession increases public perception of fairness." If American law schools were precluded from considering race as a factor in admissions, this public perception, that the American legal system can be entrusted to provide equal justice under law, would be imperiled.

Note

(1) The 28 colleges and universities are: Barnard College, Bryn Mawr College, Columbia University, Denison College, Duke University, Emory University, Hamilton College, Kenyon College, Miami University (Ohio), Northwestern University, Oberlin College, Pennsylvania State University, Princeton University, Rich University, Smith College, Stanford University, Swarthmore College, Tufts University, Tulane University, Univeristy of Michigan at Ann Arbor, University of North Carolina at Chapel Hill, University of Pennsylvania, Vanderbilt University, Washington University, Wellesley College, Wesleyan University, Williams College, and Yale University.

Table of Contents

EXPERT REPORT OF KENT D. SYVERUD

Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.) ·

I am Kent D. Syverud. I have been Dean and Garner Anthony Professor of Law at the Vanderbilt University Law School since 1997. For ten years, I was a professor at the University of Michigan Law School. For the last two years of my tenure there I also served as Associate Dean for Academic Affairs. In that role I worked with new and experienced teachers to improve the quality of teaching. I have also taught at the University of Pennsylvania Law School, the University of Tokyo Faculty of Law and Politics, and in Germany at programs sponsored by the Universities of Trier and Saarbrucken. I have taught and continue to teach courses in civil procedure, negotiation and drafting, and insurance law. I am the incoming editor of the Journal of Legal Education, which is the scholarly journal of the American Association of Law Schools. I frequently give addresses about law teaching, about the challenges of law teaching to lawyers, law teachers, judges and teachers at other universities. I have published an article on the challenges of teaching law students well. I have won teaching awards at the University of Michigan Law School, and, in my first year in my new position, at the Vanderbilt University Law School. Since 1991, I have regularly taught lawyers who are about to become law professors at the annual New Law Teachers Workshop of the Association of American Law Schools. Before becoming a law teacher I practiced law in Washington D.C.

I am not charging any fee for my expert services in this action. I am being compensated for my reasonable expenses. In the past four years, I have testified as an expert in three insurance matters: Dow Corning Corp. v. Hartford Accident & Indemnity Co. (Wayne County Circuit Court); Giant Eagle Inc. v. Federal Ins. Co. (W.D. Pa.); and Dow Chemical Co. v. Aetna (E.D. Mich.). I attach a copy of my current resume, which includes publications, to this report as an exhibit.

At the beginning of my career as a law teacher, I was skeptical of efforts to consider race as a factor in law school admissions. I was also skeptical that considering race as a factor in admissions had a positive impact on the educational experience of law students. My views on whether law schools should consider race in admissions have changed. The change has been gradual, and the product of many experiences teaching many students in many settings. I have in particular had the experience of teaching the same subject matter to classes that are racially homogenous and racially heterogeneous, and to classes where non-white students make up a tiny fraction of the enrolled students and where their numbers are more significant.

I have come to believe that all law students receive an immeasurably better legal education, and become immeasurably better lawyers, in law schools and law school classes where the student body is racially heterogeneous. It has been my experience from many conversations over the years that the vast majority of committed law teachers agree. When my students reflect on their law school experience, whether black or white, Asian or Hispanic, conservative or liberal, they also often volunteer this conclusion. I now view this agreement as indicating that those people most directly involved in the law school classroom can see the difference that racial heterogeneity makes in legal education. I have many reasons for now believing that considerations of race in law school admissions are particularly vital to providing the best possible legal education and to training the best possible lawyers.

The first reason is the unique way learning happens in the best law school classrooms. Most first-year classes in law schools are conducted by the Socratic method, in which professors call upon individual students and engage in a dialogue of questions and answers in front of the entire class. There are many variants of this method, but most professors continue to single out individual students each day to answer a series of questions suggested by the assigned reading. In my own civil procedure class, I call upon each student several times a semester, usually questioning each student for fifteen to twenty minutes. The purposes of this method are manifold; they include the desire to engage the student closely and carefully with a legal text and to make the classroom dynamic, lively, and interesting. At least as important, the method consciously seeks to make the students think, to learn from each other, and to learn to be able to see any set of facts from different points of view. Students are expected to draw upon their own backgrounds and experiences in answering questions and in making arguments. Rather than passively receiving the accumulated wisdom of the professor, students are required to grapple with their own viewpoints, and those of their colleagues, on an array of difficult situations posed by the professor and the text. The result is that, in the best classrooms, every voice is heard, and the quality of the education received is largely a function of the diversity of viewpoints and experiences among the students in the class.

It is my view, based on my experience, that racial heterogeneity dramatically enhances the ability of the best active, Socratic teaching to achieve its purposes. My best class sessions, by far, have been characterized by direct and often painful dialogue between students who are forced by the method to confront and make explicit their deepest unexamined convictions about legal issues, and also to engage in discussion with those who, because of different experiences and often because of different race, do not share those convictions. Those class sessions produce the most careful thinking, and when handled with care are the most challenging and appropriate education I can offer. It has been my experience that racial diversity in the Socratic classroom strongly fosters the kind of thinking that the best lawyers need to be able to do.

For a related reason, racial heterogeneity in a Socratic classroom produces better lawyers. As a law teacher, I am constantly struggling with the need to teach new students the obligations of a lawyer to become a zealous advocate for a client and a skilled negotiator with adversaries and others. A basic component of excelling in these roles is the ability to understand the views, goals, and tactics of a client or adversary. Good advocacy first requires understanding both the client and the adversary. Yet most of my students come to law school with strong advocacy skills and poor listening skills; they assume they already know what the viewpoint of a client or adversary must be in every situation. In particular, they often assign to people of different races and ethnic backgrounds viewpoints that are uninformed by experience or by direct dialogue with a client or adversary. They are often very wrong. They don't know what they don't know, and it is my job to show them what they have to learn, every time, from every individual client or adversary.

Nothing teaches this lesson better than a classroom where, because of abundant racial heterogeneity, common assumptions about viewpoints of different races are constantly confronted by frank discussion that at times confirms and at times profoundly confounds those assumptions. I have seen this demonstrated repeatedly, both in my civil procedure classes taught via the Socratic method and in the upper level skills class I teach on negotiation.

There is abundant criticism of legal education for failing to teach students the skills they will need to succeed as lawyers. It is an important responsibility of law schools to teach students to become able negotiators, problem solvers, managers, counselors, investigators, and mediators. It also is vital that the lawyers we train be able to participate to the fullest in a democratic society in which they will have a vital role, as officers of the court, in preserving justice. It has been my experience that skills instruction is enhanced dramatically for all students by the interaction in class of future lawyers of all races, and by the different and at times unpredicted viewpoints different people bring to the discussion. It is also my experience that civil democratic discourse among lawyers of all races, in public and in court, is something that, once experienced in the law school classroom, is valued outside it and across my students' careers.

Racial heterogeneity thus helps make better lawyers at the same time it assures that classroom discussion will not become so theoretical as to be divorced from the real differences in viewpoints that characterize many of the clients my students will need to serve.

Some examples from my teaching experience may better explain why I have come to hold these views. In my civil procedure course each year, I teach students how the finder of fact, whether judge or jury, is selected in the American federal and state systems, as well as under systems in other countries. I teach jury selection by having six to twelve students in the class assume the role of potential jurors, who are questioned by classmates serving in the role as defense and plaintiff's counsel. Male student jurors pretend to be their own fathers; female student jurors pretend to be their own mothers. The students answer the searching voir dire questions accordingly, often revealing unexpected differences in backgrounds and viewpoints that are shocking and enlightening to the class. When challenges are exercised by the plaintiff and defense counsel, it is often the case that both black and white students strike both black and white jurors. The reasons they give, and the analysis that ensues, is remarkable to all students. The ensuing discussion of the peremptory challenge is incomparably richer than would be possible without racial heterogeneity, and the students, I believe, are incomparably better trained to understand the roles they will serve in American civil trials.

I have found that racial heterogeneity improves the quality of my classes even and especially when the subject seems far removed from issues traditionally associated with race in American law. In insurance law, I have found that my teaching of the regulation of insurance products aimed at consumers changes dramatically when the makeup of the class is racially diverse. In civil procedure, my teaching of remedies (including the remedy of garnishment) and of attorneys' fees and costs has been significantly improved, for all students, by having a diversity of views expressed among my black students as well as among my white students.

For all these reasons, I now believe racial heterogeneity is a very important contributor to a quality legal education for all students, and to the training of the best lawyers. I think a law school without significant representation of black, white, Asian, and Hispanic students in the student body will provide a significantly poorer education than a law school blessed by such a representation. And I think a lawyer trained in a law school that is racially homogeneous, will be, in the coming decades, ill-equipped to serve the functions the best lawyers will need to serve in our democracy.

Table of Contents

EXPERT REPORT OF ROBERT B. WEBSTER

Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

I. Statement of Qualifications:

I am a member of the law firm of Clark Hill P.L.C. I have served as Chairman of that firm and am currently resident in its Birmingham, Michigan office. I have been with Clark Hill since 1982, and I was a member of one of its predecessor firms from 1969 to 1973.

In 1973, I was appointed by Governor William Milliken to the Sixth Judicial Circuit, Oakland County Circuit Court. I served in that capacity from 1973 through 1982. I served as Chief Judge of that Court from 1976 though 1978.

Within the State Bar of Michigan I have held the positions of Commissioner (1982-1990), Vice-President (1987-1988), President-Elect (1988-1989), and President (1989-1990). I have served on numerous State Bar committees, and was appointed by the Supreme Court of Michigan to chair the Committee to Revise and Consolidate the Michigan Court Rules. In that capacity I was charged with responsibility for directing the first general revision of the Michigan Court Rules since 1963; I subsequently also served as co-author of *Michigan Court Rules Annotated* (West 1985), a standard text on Michigan practice. I also served on the Michigan Supreme Court Task Force on Gender Issues in the Courts and, in that role, reviewed the report of the Michigan Supreme Court Task Force on Racial / Ethnic Issues in the Courts and related materials.

I have been a member of the House of Delegates of the American Bar Association since 1990 and a Fellow of the American College of Trial Lawyers since 1991. A complete *curriculum vitae*, including list of major publications, is attached as Appendix A.

II. Information Considered in Forming Opinions:

My opinions are based primarily upon knowledge and insight gained in the forty years in which I have been a practicing attorney, counselor, arbitrator, mediator, bar officer, and state court judge. My opinions are also based in part upon materials described in Section IV.B, within, copies of which will be provided upon request.

III. Other expert testimony: compensation:

Within the past four years, I have testified as an expert on several occasions regarding issues such as attorney malpractice (standard of care) and reasonableness of attorney fees. Time spent working on this matter is being charged at the rate of two--hundred dollars per hour.

IV. Opinions to be expressed and the basis and reasons therefore:

A.

One of the most important skills for a lawyer to develop is that of being able to understand and work well with individuals of diverse backgrounds, including racially diverse backgrounds. A lawyer will simply be more effective in the profession if he or she can think empathetically, interact comfortably with people whose perspectives and life experiences are different from their own, and resist stereotypes and other obstacles to understanding.

This is important for attorneys in virtually every aspect of the profession. It is obviously important for trial lawyers, who must interact persuasively and perceptively with clients, witnesses, opposing counsel, judges, and juries - people who may be of diverse races and backgrounds. But it is important for many other kinds of attorneys as well, including those who negotiate business transactions, mediate disputes, draft agreements, or provide advice concerning divorces, estate plans, or living wills. And as our society becomes increasingly multicultural and diverse - and as our boardrooms and bar associations and business meetings and communities follow suit - this skill becomes increasingly important. Simply put, ours is a profession of service, and it must keep pace with the Nation it serves.

This skill - being able to understand and work well with individuals of diverse backgrounds -- is also related to issues of professionalism. Responsible attorneys act not only as advocates and advisors, but as counselors. An attorney is a more effective counselor if he or she has developed this capacity. If we want our attorneys to act as professionals and as counselors - and not just as "hired guns" who attend only to the bottom line and the billable hour - then we must enable and expect them to develop this skill as early as possible in their careers.

Of course, this is also critical to the many other roles that members of our profession disproportionately play in our society: community leaders; board members; law enforcement officials; legislators; public servants; and so on. I personally found this skill indispensable to my service as a member of the judiciary. Unfortunately, because my exposure to people of other races was so limited before I was appointed to the bench, I was forced to learn about these issues "on the job" and after I had been practicing law for more than fifteen years.

I grew up in a predominantly white neighborhood and attended predominantly white schools, including Baldwin High School in Birmingham, Michigan. I attended the University of Michigan as an undergraduate (B.A., 1955) and as a law student (J.D., 1957). My memory is that my law school class had few, if any, students of color. After law school I joined the Detroit law firm that eventually became Hill, Lewis, Adams, Goodrich & Tait, a leading firm in the city. During this time I had very limited interactions with people of other races.

There was one exception to this. In 1967, rioting broke out in the City of Detroit and I was asked to represent a number of African American individuals who had been arrested. Observing how the justice system treated these individuals was an eyeopening experience for me. Learning even a little about their lives was a very important educational experience that changed my perspectives and challenged my assumptions. It is unfortunate that I only began to have these experiences a decade after I finished law school.

Indeed, it was not until I took the bench in 1973 that my education on these issues really began. As a partner in a prestigious big-city law firm practicing in the civil justice system in the nineteen-sixties, my exposure to African American attorneys had been extremely limited. But my experience was entirely different as a judge presiding in a county that included a number of cities (such as Pontiac) whose populations were substantially African American.

In my years on the bench I watched, listened to, engaged with, and learned from a number of African American attorneys who appeared before me. By way of example, this includes an attorney who was the best cross-examiner I had ever - and to this day have ever - seen, and it includes an attorney whose quiet dignity and scholarship later led to an appointment to the federal bench. These encounters exposed and destroyed racial stereotypes I did not even know I harbored. And, again, I found myself exposed to new perspectives, new kinds of life experiences, new ways of looking at the world - indeed, new worlds. But I did not learn only about differences; I also learned about similarities, about how much of the human condition transcends racial boundaries. Now, more than ever, our profession needs lawyers to be bringing these kinds of skills and insights to the bench -- not to be acquiring them there.

In sum, the ability to empathize and work effectively with people of diverse races and backgrounds is critical to our profession. It is an ability that must be developed as proficiently, and as soon, as it possibly can. For it is finally this simple: we cannot represent someone as effectively, cannot counsel someone as insightfully, and cannot persuade someone as convincingly, if their race or background makes them a stranger to us.

B.

When law schools graduate racially diverse student bodies, the legal profession enjoys an incidental but important benefit: a diverse legal profession enhances the appearance of justice and increases public confidence that our system is fair, unbiased, and accessible to all.

Reports of various Michigan commissions and task forces confirm that the appearance of bias in the judicial system constitutes a significant concern.

In 1986, the Michigan Supreme Court formed the Citizens Commission to improve Michigan Courts. The Commission, supervised by Justice Patricia Boyle, was asked "to recommend to the Court ways in which the court system may be made more readily accessible and more responsive to the needs of citizens of this State."

The Commission divided itself into committees, held public hearings, reviewed hundreds of letters, and conducted surveys. As a result of the investigation, the Commission issued some fifty recommendations to the Supreme Court.

In the course of its recommendations, the Commission found that "Fully one-third of the citizens of the state of Michigan believe that blacks and women are not treated as well by the court system as are whites and men ..." The Commission therefore recommended that (among other things) the Supreme Court form a task force to study the extent and nature of the "disparate treatment accorded citizens."

In 1987, the Supreme Court responded by issuing Administrative Order No. 1987-6, creating a Task Force on Racial / Ethnic Issues in the Courts and a Task Force on Gender Issues in the Courts. These Task Forces issued Reports. Of particular importance here is the following finding by the Task Force on Racial / Ethnic Issues:

> Diversity is an important goal for a quality justice system. The presence of minorities in all areas of the profession is not a guarantee of unbiased behavior. However, the research done by the Task Force is conclusive on several points. First, the presence of minorities in the profession increases public perception of fairness. It further responds to the need of citizens to feel less isolated and alone within the legal process. When asked an open-ended question regarding recommendations for ensuring equal and fair treatment in the Michigan Court system, 231 court users said "increase the number of female and racial / ethnic minority judges and attorneys." The next highest response, "speed up the system," gained only 47 proponents.

In the fall of 1996, State Bar President Victoria Roberts created the State Bar Task Force on Race / Ethnic and Gender Issues in the Courts and Legal Profession to determine what, if any, progress had been made toward the goals identified in the earlier reports. In 1998, the Task Force issued its conclusions. This quotation from the executive summary of that report underscores the importance of diversity in the profession to the appearance of fairness:

> The appearance of bias, as well as the reality of bias, damages our profession and our courts in their fundamental role as protector of freedom and dispenser of justice. In a very real sense, the implementation of these

recommendations continues the process of insuring that the Michigan justice system accurately reflects the diversity of the constituency it serves, and that participants at all levels are afforded a level playing field upon which to operate.

I believe that task forces in other states have reached similar conclusions.

In sum, when diverse classes of law school students enter the legal profession it enhances the appearance that our system is just, unprejudiced, and equally available to people of all races. Of course, the educational reasons law schools admit a diverse array of students - and the policies they use to do it - are beyond my expertise and personal knowledge and I offer no opinions with regard to these issues. Nevertheless, as an attorney, bar leader, and former judicial officer I know that a system of justice only works well if people respect it, and that people cannot respect a system that appears to be unfair, to perpetuate prejudice, and to exclude certain people from its administration.

Table of Contents